

# EXHIBIT

## P64

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JANE DOE, et al., : UNITED STATES  
Plaintiff : DISTRICT COURT  
v. : MIDDLE DISTRICT OF  
: PENNSYLVANIA  
SCHUYLKILL COUNTY :  
COURTHOUSE, et al., : CIVIL DOCKET NO:  
Defendants : 3:21-CV-00477  
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VOLUME II

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TRANSCRIPT MARKED CONFIDENTIAL

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CONTINUED VIDEOTAPE DEPOSITION OF HEIDI

ZULA taken at the U.S. Attorney's Office, Middle  
District of Pennsylvania, 228 Walnut Street,  
Harrisburg, Pennsylvania 17108 on Thursday,  
October 20, 2022 at 9:18 a.m. before Coleen  
Trifun, RPR and Notary Public.

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7 ALYSSA DEBISE, PARALEGAL  
8 JANE DOE 1 (Via Zoom)  
JANE DOE 2 (Via Zoom)  
9 JANE DOE 3 (via Zoom)  
GEORGE HALCOVAGE

1	- - -		
2	INDEX		
3	- - -		
4	WITNESS	INTERROGATION BY	PAGE
5	HEIDI ZULA		
6		By Ms. Smith	414
7		By Ms. Fox	727
8	- - -		
9	EXHIBITS		
10	- - -		
11	EXHIBIT NUMBER	DESCRIPTION	PAGE
12	Exhibit-140	Zula 280	416
13	Exhibit-141	Zula 1802	418
14	Exhibit-142	Zula 715	420
15	Exhibit-143	Zula 726	424
16	Exhibit-144	Zula 755	429
17	Exhibit-145	Zula 128	431
18	Exhibit-146	Zula 2513	438
19	Exhibit-147	SC307 & 177	442
20	Exhibit-148	Zula 2589	447
21	Exhibit-149	Zula 7184-7185	451
22	Exhibit-150	Zula 893	467
23	Exhibit-151	Zula 964-966	473
24	Exhibit-152	Zula 898-899	474

1	Exhibit-153	Zula 929	480
2	Exhibit-154	Zula 1116	484
3	Exhibit-155	Zula 1217-1218	489
4	Exhibit-156	SC634	493
5	Exhibit-157	SC618	494
6	Exhibit-158	SC619	496
7	Exhibit-159	Zula 2522	501
8	Exhibit-160	Zula 2640	508
9	Exhibit-161	Zula 2398 & 299-302	513
10	Exhibit-162	Zula 298	515
11	Exhibit-163	Zula 2764	526
12	Exhibit-164	Zula 305	529
13	Exhibit-165	Zula 2798	531
14	Exhibit-166	Zula 2826	532
15	Exhibit-167	Zula 1167	538
16	Exhibit-168	9/29/22 letter	550
17	Exhibit-169	Zula 933	553
18	Exhibit-170	Zula 942-943	554
19	Exhibit-171	Zula 417-418	561
20	Exhibit-172	(skipped)	
21	Exhibit-173	Zula 956-957	569
22	Exhibit-174	Zula 958-959	571
23	Exhibit-175	Zula 1091-1098	572
24	Exhibit-176	Zula 1090	576

1	Exhibit-177	Zula 1795	588
2	Exhibit-178	Zula 1830	594
3	Exhibit-179	Zula 1908	595
4	Exhibit-180	Zula 1956-57	598
5	Exhibit-181	Zula 2498	601
6	Exhibit-182	SC1213-14	606
7	Exhibit-183	Zula 2635-2637	610
8	Exhibit-184	Zula 277	621
9	Exhibit-185	Zula 1890	624
10	Exhibit-186	Zula 188-189	632
11	Exhibit-187	Zula 2510-2511	643
12	Exhibit-188	Zula 2586	644
13	Exhibit-189	Zula 2595	649
14	Exhibit-190	Zula 2684	659
15	Exhibit-191	Zula 2741&2723	661
16	Exhibit-192	Zula 1748	665
17	Exhibit-193	Zula 1761-62	666
18	Exhibit-194	Zula 1412-14	708

19 - - -

20 PREVIOUSLY MARKED EXHIBITS MENTIONED

21 Exhibit-121 Page 490 Line 21

22 Exhibit-105 Page 567 Line 12

23 - - -

24

## DIRECTION TO WITNESS NOT TO ANSWER

PAGE	LINE	PAGE	LINE	PAGE	LINE
563	20				

## REQUEST FOR PRODUCTION OF DOCUMENTS

PAGE	LINE	PAGE	LINE	PAGE	LINE

(None)



1 VIDEOGRAPHER: Now on the record my  
2 name is Aleisha Katz with Everest Court Reporting.  
3 Today's date is October 20, 2022 and the time is  
4 approximately 9:18 a.m. This deposition is  
5 located at 228 Walnut Street in Harrisburg  
6 Pennsylvania caption case Jane Doe et al versus  
7 Schuylkill County Courthouse et al. The name of  
8 witness is Heidi Zula Volume Number II. At this  
9 time attorneys will identify themselves and party  
10 they represent after which our court reporter  
11 Coleen Trifun will swear in the witness and we  
12 will proceed.

13 MS. SMITH: Catherine Smith on  
14 behalf of the plaintiff Jane doe through Jane Doe  
15 four. Present with me is my paralegal Alyssa  
16 DeBise. We also have appearing by Zoom Jane Doe 1  
17 and Jane Doe 4. Should any of the other  
18 plaintiffs join I'll notify on the record.

19 MS. FOX: Amber Fox for the  
20 department of justice.

21 MR. TOWNSEND: Allan Townsend also  
22 for the department of justice.

23 MS. PIPAK: Maria Pipak for Heidi  
24 Zula, Gary Bender and the county.

<p style="text-align: right;">Page 414</p> <p>1 MR. LEES: Paul Lees for defendant</p> <p>2 Kutzler.</p> <p>3 MR. GEIGER: Gerry Geiger for</p> <p>4 defendant Halcavage who is also seated in the</p> <p>5 room.</p> <p>6 MS. IPPOLITO: Nicole Ippolito for</p> <p>7 defendant Glen Roth.</p> <p>8 MS. SMITH: Same stipulation that</p> <p>9 the transcript be marked confidential in its</p> <p>10 entirety?</p> <p>11 (All parties agreed.)</p> <p>12 MS. SMITH: Same stipulation for</p> <p>13 objections for form and privilege?</p> <p>14 (All parties agreed.)</p> <p>15 ---</p> <p>16 HEIDI ZULA, having been first duly</p> <p>17 sworn, was examined and testified as follows:</p> <p>18 ---</p> <p>19 Examination</p> <p>20 ---</p> <p>21 BY MS. SMITH:</p> <p>22 Q. Good morning, Ms. Zula. As you know</p> <p>23 again, my name is Catherine Smith and I represent</p> <p>24 the Jane Does in this matter.</p>	<p style="text-align: right;">Page 416</p> <p>1 on this. You testified about a report of an FLSA</p> <p>2 violation someone stealing time.</p> <p>3 Do you recall that?</p> <p>4 MS. PIPAK: I'll object to the</p> <p>5 form. But go ahead.</p> <p>6 THE WITNESS: I believe so, yeah.</p> <p>7 MS. SMITH: Okay.</p> <p>8 I'm going to mark as 140, it's Zula</p> <p>9 280. I'm sorry, 2820.</p> <p>10 ---</p> <p>11 (Zula 280 marked as Exhibit-140 for</p> <p>12 identification.)</p> <p>13 ---</p> <p>14 BY MS. SMITH:</p> <p>15 Q. Okay.</p> <p>16 Ms. Zula, do you recognize this</p> <p>17 document?</p> <p>18 A. Yes.</p> <p>19 Q. This is the first e-mail in this chain</p> <p>20 on September 9th, 2021. It's an e-mail from you</p> <p>21 to -- from Jane Doe 3 to you regarding a potential</p> <p>22 FLSA violation by tax assessment employee,</p> <p>23 correct?</p> <p>24 A. Yes.</p>
<p style="text-align: right;">Page 415</p> <p>1 Ms. Zula, did you speak with your</p> <p>2 attorney between the end of yesterday deposition</p> <p>3 and this morning?</p> <p>4 A. No.</p> <p>5 Q. Okay.</p> <p>6 And did you do anything to prepare for</p> <p>7 today's portion of the deposition?</p> <p>8 A. No.</p> <p>9 Q. Did you review any documents?</p> <p>10 A. No.</p> <p>11 Q. Have you consumed, in the last 24 hours,</p> <p>12 any medication substance or alcohol that would</p> <p>13 impair your ability to testify truthfully here?</p> <p>14 A. No.</p> <p>15 Q. Is there any reason you could think of</p> <p>16 that impairs your ability to testify</p> <p>17 truthfully here today?</p> <p>18 A. No.</p> <p>19 Q. Do you recall the instructions from</p> <p>20 yesterday's deposition?</p> <p>21 A. Yes.</p> <p>22 Q. Any questions about today's deposition?</p> <p>23 A. No.</p> <p>24 Q. Ms. Zula, yesterday you briefly touched</p>	<p style="text-align: right;">Page 417</p> <p>1 Q. And Jane Doe 3 indicated in her then</p> <p>2 last e-mail in this chain, that she wasn't</p> <p>3 comfortable providing the names and risk and</p> <p>4 retaliatory action by the county toward the</p> <p>5 individual who provided her the information,</p> <p>6 correct?</p> <p>7 A. That's what she indicated, yes.</p> <p>8 Q. Okay.</p> <p>9 Did you ever investigate or, as she</p> <p>10 suggests, interview everyone in the tax assessment</p> <p>11 office regard this matter?</p> <p>12 A. I investigated the issue, yes.</p> <p>13 Q. And how did you investigate the issue?</p> <p>14 A. I spoke with the supervisor, and then we</p> <p>15 identified the employee who was working through</p> <p>16 their lunch and beyond their quit time and not</p> <p>17 noting that work on their time sheet and we</p> <p>18 addressed the situation directly with the</p> <p>19 employee.</p> <p>20 Q. Who was that employee?</p> <p>21 A. Colleen Warmcastle.</p> <p>22 Q. Was Ms. Warmcastle written up?</p> <p>23 A. No, she was not.</p> <p>24 Q. The supervisor at the time was Ken</p>

Page 418	Page 420
<p>1 Hatter, correct?</p> <p>2 A. Yes.</p> <p>3 Q. Was Mr. Hatter disciplined in any way?</p> <p>4 A. No, he was not.</p> <p>5 Q. Did you inform Jane Doe 3 that you had</p> <p>6 conducted an investigation at any point?</p> <p>7 A. No, I did not.</p> <p>8 Q. Okay.</p> <p>9 Did you ever, if you know, respond to</p> <p>10 her September 9th at 10:28 a.m. e-mail, that first</p> <p>11 one on top of the page?</p> <p>12 A. No, I do not believe I did.</p> <p>13 Q. Okay.</p> <p>14 So you never suggested to her to report</p> <p>15 this issue through the Stop It Program?</p> <p>16 A. No.</p> <p>17 MS. SMITH: I'm going to mark Zula</p> <p>18 1802 as 141.</p> <p>19 ---</p> <p>20 (Zula 1802 marked as Exhibit-141 for</p> <p>21 identification.)</p> <p>22 ---</p> <p>23 BY MS. SMITH:</p> <p>24 Q. Ms. Zula, do you recognize this e-mail</p>	<p>1 Q. Okay.</p> <p>2 So you never conducted any investigation</p> <p>3 regarding this?</p> <p>4 A. I never received the details to conduct</p> <p>5 an investigation.</p> <p>6 Q. Okay.</p> <p>7 You can put that one aside.</p> <p>8 All right. So I think at the end of</p> <p>9 yesterday we were talking about March of 2021, or</p> <p>10 that time frame, after Jane Doe 3 and Jane Doe 4</p> <p>11 were demoted.</p> <p>12 MS. SMITH: I'm going mark as 142</p> <p>13 Zula 715.</p> <p>14 ---</p> <p>15 (Zula 715 marked as Exhibit-142 for</p> <p>16 identification.)</p> <p>17 ---</p> <p>18 BY MS. SMITH:</p> <p>19 Q. Do you recognize this e-mail chain?</p> <p>20 A. Yes.</p> <p>21 Q. Jane Doe 3 -- so March 18th, 2021 Jane</p> <p>22 Doe 3 had been demoted, correct?</p> <p>23 A. Yes.</p> <p>24 Q. And she request from you and others</p>
Page 419	Page 421
<p>1 chain?</p> <p>2 A. Yes.</p> <p>3 Q. Do you remember this correspondence at</p> <p>4 issue?</p> <p>5 A. Yes.</p> <p>6 Q. At any point did you informed Jane Doe 3</p> <p>7 that she could make a anonymous report regarding</p> <p>8 the concern through the Stop It Program?</p> <p>9 A. No, I did not.</p> <p>10 Q. Why not?</p> <p>11 A. The Stop It report would have come to me</p> <p>12 indirectly.</p> <p>13 Q. Right. But it would have been in an</p> <p>14 anonymous report, correct?</p> <p>15 A. Yes.</p> <p>16 Q. Okay.</p> <p>17 Do you know, did Jane Do 3, or Jane Doe</p> <p>18 3, ever provide the details to Commissioner Hess</p> <p>19 as she indicate she would be willing to do?</p> <p>20 A. I have no idea.</p> <p>21 Q. Okay.</p> <p>22 Did Commissioner Hess ever come to you</p> <p>23 with any concerns or questions about this issue?</p> <p>24 A. No, he did not.</p>	<p>1 guidance as to whether how she was to request PTO,</p> <p>2 what the process was going to be given her</p> <p>3 demotion, correct?</p> <p>4 A. Yes.</p> <p>5 Q. And you then forwarded the e-mail to</p> <p>6 Defendant Bender and said you're her supervisor,</p> <p>7 can you tell me how you would like this to be</p> <p>8 done, correct?</p> <p>9 A. Yes.</p> <p>10 Q. Did Mr. Bender ever instruct you or, if</p> <p>11 you know, Jane Doe 3 how she was to request PTO?</p> <p>12 MS. PIPAK: Objection to the form,</p> <p>13 but go ahead.</p> <p>14 THE WITNESS: He did not indicate</p> <p>15 to me. I'm not certain if he communicated with</p> <p>16 Jane Doe 3.</p> <p>17 BY MS. SMITH:</p> <p>18 Q. So did you ever communicate with Jane</p> <p>19 Doe 3 as to how she was to request PTO moving</p> <p>20 forward?</p> <p>21 A. No. I forwarded the request to Mr.</p> <p>22 Bender as her supervisor.</p> <p>23 Q. Okay.</p> <p>24 Did you ever follow up with Mr. Bender</p>

<p>Page 422</p> <p>1 to say did you speak with Jane Do 3 and give her</p> <p>2 this guidance?</p> <p>3 A. I don't recall if I did or didn't.</p> <p>4 Q. Before the pars for Jane Doe 3 and Jane</p> <p>5 Doe 4's demotions were voted on, was there any</p> <p>6 communication with any of the tax assessment or</p> <p>7 tax claim employees to notify them that demotion</p> <p>8 would be occurring?</p> <p>9 A. No, I do not believe so.</p> <p>10 Q. Do you recall if and when the first time</p> <p>11 was that anyone in administration or HR spoke with</p> <p>12 the employees to give them any information with</p> <p>13 the plan moving forward for the offices?</p> <p>14 A. I believe Mr. Bender had a meeting in</p> <p>15 this tax assessment office with the employees</p> <p>16 following the action that was taken. I'm not</p> <p>17 certain of what the exact date was.</p> <p>18 Q. You weren't there for it then?</p> <p>19 A. I don't believe I was present for the</p> <p>20 tax assessment meeting, no.</p> <p>21 Q. Was there one held with the tax claim</p> <p>22 employees as well?</p> <p>23 A. Not at that time, no.</p> <p>24 Q. Okay.</p>	<p>Page 424</p> <p>1 voted on on March 17th, correct?</p> <p>2 A. Yes.</p> <p>3 MS. SMITH: I'm going to mark Zula</p> <p>4 726 as 143.</p> <p>5 - - -</p> <p>6 (Zula 726 marked as Exhibit-143 for</p> <p>7 identification.)</p> <p>8 - - -</p> <p>9 BY MS. SMITH:</p> <p>10 Q. Do you recognize this e-mail?</p> <p>11 A. Yes.</p> <p>12 Q. It appears to be an e-mail from Jane Doe</p> <p>13 3 to you, as well as others, on March 25th, 2021</p> <p>14 in which you forwarded to Mr. Bender; is that</p> <p>15 correct?</p> <p>16 A. Yes.</p> <p>17 Q. Did you ever respond to Jane Doe 3's</p> <p>18 e-mail?</p> <p>19 A. No, I did not.</p> <p>20 Q. Did Mr. Bender ever give you any</p> <p>21 information or instruction on how to address this</p> <p>22 issue?</p> <p>23 A. The only information that we discussed</p> <p>24 specifically was the posting of the assistant tax</p>
<p>Page 423</p> <p>1 So the tax -- so Mr. Bender held a</p> <p>2 meeting with the tax assessment employees to give</p> <p>3 them information on the plan moving forward, but</p> <p>4 not the tax claim bureau?</p> <p>5 A. Yes, I believe so.</p> <p>6 Q. Do you know why that was?</p> <p>7 A. No, I don't.</p> <p>8 Q. Do you know if the meeting that you're</p> <p>9 thinking of might have been the meeting with</p> <p>10 Mr. Alu to introduce him as the interim kind of</p> <p>11 chief assessment?</p> <p>12 A. I'm not certain. I don't -- I believe</p> <p>13 he had a meeting with them following the action,</p> <p>14 and then I do know there was a meeting when</p> <p>15 Mr. Alu came on board as well.</p> <p>16 Q. So you think they're two distinct</p> <p>17 meetings?</p> <p>18 A. Yes, I believe so.</p> <p>19 Q. Okay.</p> <p>20 And you weren't present in a meeting</p> <p>21 with Mr. Alu either, were you?</p> <p>22 A. No, I was not.</p> <p>23 Q. Okay.</p> <p>24 And Jane Doe 3 and Jane Doe 4's par were</p>	<p>Page 425</p> <p>1 claim director position, and it was determined at</p> <p>2 that time that we were not going to post that</p> <p>3 position.</p> <p>4 Q. So are you aware of the structures of</p> <p>5 the office prior to, for lack of a better word,</p> <p>6 their combination?</p> <p>7 A. Yes, I believe there was a separate tax</p> <p>8 claim director and assistant director, and there</p> <p>9 was and separate chief assessor and deputy chief</p> <p>10 assessor, yes.</p> <p>11 Q. Okay.</p> <p>12 So before the offices were under both --</p> <p>13 under the supervision of both Jane Doe 3 and Jane</p> <p>14 Doe 4, tax claim had both a director and an</p> <p>15 assistant director?</p> <p>16 A. Yes.</p> <p>17 Q. Who made the decision that the assistant</p> <p>18 tax claim director position would not be posted in</p> <p>19 March of 2021?</p> <p>20 A. Mr. Bender.</p> <p>21 Q. Did he tell you why?</p> <p>22 A. No.</p> <p>23 Q. Did you have an opinion as whether it</p> <p>24 should be posted?</p>

<p>Page 426</p> <p>1 A. No.</p> <p>2 Q. Did he tell you -- did Mr. Bender give</p> <p>3 you any direction or instruction on addressing the</p> <p>4 questions that the assessment employees had</p> <p>5 regarding future plans for the office?</p> <p>6 A. No. It's my understanding he addressed</p> <p>7 those questions directly to the office.</p> <p>8 Q. Do you know if Mr. Bender ever</p> <p>9 communicated with Jane Doe 3 that the position</p> <p>10 would not be posted? The assistant tax claim</p> <p>11 director position would not be posted?</p> <p>12 A. I do not know.</p> <p>13 Q. Do you know if anyone spoke with Jane</p> <p>14 Doe 3 to ask her if she felt she needed a position</p> <p>15 to be filled?</p> <p>16 A. I don't know.</p> <p>17 Q. On the -- you testified yesterday about</p> <p>18 -- I'm going to call it a compliment, I think is</p> <p>19 what you called it, correct?</p> <p>20 A. Uh-huh.</p> <p>21 Q. On the compliment, do you know, does the</p> <p>22 tax claim bureau have a position for assistant</p> <p>23 director?</p> <p>24 A. Yes. The position was recreated when we</p>	<p>Page 428</p> <p>1 Q. And if there was no department head or</p> <p>2 anyone with the ability to approve check request</p> <p>3 in the assessment office, do you know what</p> <p>4 operations of the office that would effect?</p> <p>5 A. If the department head is unable to --</p> <p>6 is not there, or for whatever reason is vacant,</p> <p>7 that position is vacant, then Mr. Bender as the</p> <p>8 county administrator has the ability to approve</p> <p>9 check requests for all offices under his purview.</p> <p>10 Q. Okay.</p> <p>11 But what I'm trying to figure out is,</p> <p>12 what do employees in the assessment office request</p> <p>13 checks for?</p> <p>14 A. I don't know.</p> <p>15 MS. SMITH: Okay. Can we go off</p> <p>16 the record for just a second?</p> <p>17 VIDEOGRAPHER: The time is</p> <p>18 9:34 a.m. and we're going off the record.</p> <p>19 - - -</p> <p>20 (Whereupon, brief recess was held off</p> <p>21 the record.)</p> <p>22 - - -</p> <p>23 VIDEOGRAPHER: The time is now</p> <p>24 9:40 a.m. and we're back on the record.</p>
<p>Page 427</p> <p>1 separated the offices. So, yes, it was an</p> <p>2 existing position on the compliment.</p> <p>3 Q. Okay.</p> <p>4 And I'm sorry if we went over this</p> <p>5 yesterday. When you sent Jane Doe 4 her demotion</p> <p>6 notification email, she was still on bereavement</p> <p>7 leave, correct?</p> <p>8 A. Yes, it's my understanding that she was.</p> <p>9 Q. Okay.</p> <p>10 Do you know in the assessment office</p> <p>11 what check request approvals would be utilized</p> <p>12 for?</p> <p>13 A. I'm familiar with check request approval</p> <p>14 process within the county.</p> <p>15 Q. Okay.</p> <p>16 A. I'm not familiar specifically with the</p> <p>17 process within the assessment office.</p> <p>18 Q. Are you familiar with the fact that it's</p> <p>19 the chief assessor who has the ability to approve</p> <p>20 the check request for the employees within that</p> <p>21 office?</p> <p>22 A. That would make sense as she -- that</p> <p>23 position was the department head. So that's</p> <p>24 typically done by the department head.</p>	<p>Page 429</p> <p>1 MS. SMITH: And just for the</p> <p>2 record, Jane Doe 3 has joined the Zoom.</p> <p>3 BY MS. SMITH:</p> <p>4 Q. All right. Ms. Zula, I was asking you</p> <p>5 about check requests before we had to go off the</p> <p>6 record for technical issues.</p> <p>7 Do you know if anyone at the county</p> <p>8 communicated to the employees of the assessment</p> <p>9 office as to whom check requests were supposed to</p> <p>10 be submitted prior to Jane Doe 3 and Jane Doe 4's</p> <p>11 demotion?</p> <p>12 A. I don't know.</p> <p>13 Q. But you didn't?</p> <p>14 A. I did not.</p> <p>15 Q. Okay.</p> <p>16 MS. SMITH: Mark 755, Ms. Zula 755</p> <p>17 as 144.</p> <p>18 - - -</p> <p>19 (Zula 755 marked as Exhibit-144 for</p> <p>20 identification.)</p> <p>21 - - -</p> <p>22 BY MS. SMITH:</p> <p>23 Q. Do you recognize this e-mail chain?</p> <p>24 A. Yes.</p>



<p style="text-align: right;">Page 430</p> <p>1 Q. This e-mail, the first one on -- in the</p> <p>2 chain is March 25th, 2021 from Jane Doe 4 to you,</p> <p>3 correct?</p> <p>4 A. Yes.</p> <p>5 Q. And she indicates that she is</p> <p>6 essentially now sure of who check request</p> <p>7 approvals need to be submitted to and request</p> <p>8 guidance on it, correct?</p> <p>9 A. Yes.</p> <p>10 Q. Is there -- and it looks like you</p> <p>11 forwarded this chain of -- or these two e-mails</p> <p>12 from Jane Doe 4 do Mr. Bender, correct?</p> <p>13 A. Yes.</p> <p>14 Q. Any reason to believe that the</p> <p>15 assessment office had been instructed to forward</p> <p>16 check requests to Mr. Bender before March 25th,</p> <p>17 2021?</p> <p>18 A. I'm not aware.</p> <p>19 Q. And do you know if Mr. Bender ever</p> <p>20 addressed this issue with Jane Doe 4?</p> <p>21 A. I don't know.</p> <p>22 Q. Do you know if March 17, 2021 was in the</p> <p>23 middle of a pay period?</p> <p>24 A. I don't know.</p>	<p style="text-align: right;">Page 432</p> <p>1 place, and for some reason couldn't at least wait</p> <p>2 until end of the pay period to retaliate. It had</p> <p>3 to be in the middle of the pay period so they</p> <p>4 could make it extra inconvenient for everyone.</p> <p>5 Do you have any reason to believe that</p> <p>6 the demotion on March 17th did not occur in the</p> <p>7 middle of a pay period?</p> <p>8 A. Based upon Jane Doe 3's e-mail, it</p> <p>9 appears as though it was.</p> <p>10 Q. Okay.</p> <p>11 And any reason to believe that she no</p> <p>12 longer had assessment payroll as she indicated?</p> <p>13 A. I would have no reason to believe</p> <p>14 otherwise.</p> <p>15 Q. Was the fact it was going to be in the</p> <p>16 middle of a pay period and could disrupt payroll</p> <p>17 discussed during the restructuring or office</p> <p>18 division meetings?</p> <p>19 A. No, it was not.</p> <p>20 Q. Did anyone give any thought to payroll</p> <p>21 and how it could be affected?</p> <p>22 MS. PIPAK: Object to the form.</p> <p>23 But go ahead.</p> <p>24 THE WITNESS: We did not discuss</p>
<p style="text-align: right;">Page 431</p> <p>1 Q. The chief assessor, who is the head of</p> <p>2 the assessment office, would be the one tasked</p> <p>3 with completing payroll, correct?</p> <p>4 A. It depends who -- potentially for the</p> <p>5 office, yes. Or the deputy. One of the</p> <p>6 supervisors in the office would be responsible for</p> <p>7 signing off on time sheets.</p> <p>8 Q. Do you know if after Jane Doe 3 was</p> <p>9 demoted from her position as chief assessor, did</p> <p>10 she still have access to assessment payroll?</p> <p>11 A. I don't know.</p> <p>12 MS. SMITH: Okay.</p> <p>13 Mark 145 as Zula 128.</p> <p>14 - - -</p> <p>15 (Zula 128 marked as Exhibit-145 for</p> <p>16 identification.)</p> <p>17 - - -</p> <p>18 BY MS. SMITH:</p> <p>19 Q. Do you recognize this chain of e-mails?</p> <p>20 A. Yes.</p> <p>21 Q. In Jane Doe 3's March 29th, 2021 e-mail</p> <p>22 she states in the second sentence I had no access</p> <p>23 to the assessment payroll because county</p> <p>24 administration was in a hurry to put their plan in</p>	<p style="text-align: right;">Page 433</p> <p>1 it. However, I know that all employees were paid</p> <p>2 timely. So there was no disruption of payroll.</p> <p>3 BY MS. SMITH:</p> <p>4 Q. And that's -- is that because Jane Doe</p> <p>5 4, as she indicated in her email, did do a time</p> <p>6 sheet for Ms. Detweiler?</p> <p>7 A. Well, either Ms. Detweiler or the</p> <p>8 supervisor would have had to do the time sheet for</p> <p>9 her to be paid.</p> <p>10 Q. Well, the supervisor, regardless of Ms.</p> <p>11 Detweiler -- the supervisor, regardless of if Ms.</p> <p>12 Detweiler did her time sheets, still had to sign</p> <p>13 off on it, correct?</p> <p>14 A. We have at times paid employees if the</p> <p>15 supervisor was unavailable to sign the time sheet.</p> <p>16 Q. Okay.</p> <p>17 At sometime after Jane Doe 4 and Jane</p> <p>18 Doe 3 were demoted, Ms. -- is it Christine</p> <p>19 Zimmerman? Or is Chrissy her first name?</p> <p>20 A. I believe her full name is Christine.</p> <p>21 Q. Okay.</p> <p>22 But she goes by Chrissy Zimmerman?</p> <p>23 A. Yes.</p> <p>24 Q. Okay.</p>

<p>Page 434</p> <p>1 Ms. Zimmerman was promoted to the</p> <p>2 position of deputy or assistant chief assessor,</p> <p>3 correct?</p> <p>4 A. Yes. Jane Doe 4 had requested to</p> <p>5 transfer into the assistant tax plan director</p> <p>6 position, and after her deputy chief assessor</p> <p>7 former position was posted, Ms. Ander -- Ms.</p> <p>8 Zimmerman, excuse me, was selected for the</p> <p>9 position.</p> <p>10 Q. So as I understand it, correct me if I'm</p> <p>11 wrong, if a position becomes vacant in the county,</p> <p>12 county -- it's posted to county employees first,</p> <p>13 correct?</p> <p>14 A. The position is posted on the county</p> <p>15 website, and then it's also posted on paper --</p> <p>16 paper posting on bulletin boards.</p> <p>17 Q. So I guess maybe the difference is union</p> <p>18 versus non-union.</p> <p>19 Is there some agreement that if there is</p> <p>20 a vacant position that a county employee has the</p> <p>21 first opportunity at the position?</p> <p>22 A. That's a unionized position.</p> <p>23 Q. Okay.</p> <p>24 Is the deputy chief assessor a union</p>	<p>Page 436</p> <p>1 more qualified to hold that position than</p> <p>2 Ms. Zimmerman?</p> <p>3 A. Yes, at that point, I guess. Although</p> <p>4 she didn't hold the CPE license. From a</p> <p>5 supervisory perspective, yes, she had supervisory</p> <p>6 experience where Ms. Zimmerman did not.</p> <p>7 Q. Did Ms. Zimmerman hold CPE license?</p> <p>8 A. I believe she did, yes.</p> <p>9 Q. Do you know when she obtained that?</p> <p>10 A. No, I don't.</p> <p>11 Q. When Ms. Zimmerman applied for the</p> <p>12 position, with whom did she -- I don't want to</p> <p>13 call it interview, but whom did she talk with</p> <p>14 about the position and what it entailed and what</p> <p>15 she would be offered for her promotion?</p> <p>16 A. I don't recall the exact process</p> <p>17 typically after a selection was made I would be to</p> <p>18 person I believe I reached out to her and made her</p> <p>19 a salary offer based upon discussions with county</p> <p>20 administration.</p> <p>21 Q. And who ultimately, you or county</p> <p>22 administration, made the determination as to what</p> <p>23 the final number in salary is that she would be</p> <p>24 offered?</p>
<p>Page 435</p> <p>1 position?</p> <p>2 A. No.</p> <p>3 Q. Okay.</p> <p>4 In any event, Ms. Zimmerman did apply</p> <p>5 for the position, or was she asked to fill it?</p> <p>6 A. She applied for the position. We did</p> <p>7 have, I believe, a conversation with her. We</p> <p>8 believed he would be a good fit for the position</p> <p>9 based upon her years of experience in the field</p> <p>10 appraiser position. So we did, you know, talk to</p> <p>11 her about the position prior to her applying.</p> <p>12 Q. And we talked about this briefly</p> <p>13 yesterday.</p> <p>14 When the offices were divided,</p> <p>15 Ms. Zimmerman was employed in the tax assessment</p> <p>16 office, correct?</p> <p>17 A. Yes.</p> <p>18 Q. But it was decided that Jane Doe 4 had</p> <p>19 more experience in supervisory experience, and</p> <p>20 thus she was put into -- or left in the deputy</p> <p>21 assessor position, correct?</p> <p>22 A. Yes. She had the supervisory day-to-day</p> <p>23 knowledge of the office operation.</p> <p>24 Q. So at that point would you say she was</p>	<p>Page 437</p> <p>1 A. The offer was made between discussions</p> <p>2 between myself and Gary Bender. The final</p> <p>3 approval of the salary was by the salary board.</p> <p>4 Q. So you and Gary Bender have a</p> <p>5 conversation, and that's the number that gets put</p> <p>6 on the par, correct?</p> <p>7 A. Yes.</p> <p>8 Q. And then that's, the par, as you</p> <p>9 recommend it to the salary board is what's voted</p> <p>10 on, correct?</p> <p>11 A. Yes. It's a recommendation.</p> <p>12 Q. Again between you and Mr. Bender, was it</p> <p>13 one, the other or was it a collective</p> <p>14 determination on what to offer her?</p> <p>15 A. We had a discussion regarding her prior</p> <p>16 experience, and we reviewed the salary range and</p> <p>17 we had a discussion as to what to offer her.</p> <p>18 Q. Ms. Zimmerman was offered \$51,835</p> <p>19 annually, correct?</p> <p>20 A. I don't remember the exact number. But</p> <p>21 potentially if it's on the par, yes.</p> <p>22 MS. SMITH: I'm going to show you</p> <p>23 an email from Jane Doe 4. It's Zula 2513. Mark</p> <p>24 it as 146.</p>

Page 438	Page 440
<p>1                   - - -</p> <p>2                   (Zula 251 marked as Exhibit-146 for</p> <p>3 identification.)</p> <p>4                   - - -</p> <p>5 BY MS. SMITH:</p> <p>6 Q.       Do you recognize this e-mail?</p> <p>7 A.       Yes.</p> <p>8 Q.       Jane Doe 4 indicates in her e-mail to</p> <p>9 you on June 8th, 2021 that Chrissy Zimmerman's</p> <p>10 salary listed on the par was 51,835.</p> <p>11           Any reason to believe she was wrong?</p> <p>12 A.       No.</p> <p>13 Q.       Jane Doe 4 also indicates to you that</p> <p>14 she, as assistant and deputy in the tax claim and</p> <p>15 assessment offices, so when she held both</p> <p>16 secondary supervisory positions in the two</p> <p>17 offices, she was only making \$47,057.28. So</p> <p>18 roughly about 4,000 -- a little over \$4,000 less</p> <p>19 than Ms. Zimmerman was offered and paid for</p> <p>20 holding one position.</p> <p>21           Would you agree?</p> <p>22 A.       Based upon this information, yes.</p> <p>23 Q.       Okay.</p> <p>24           Do you have any understanding or reason</p>	<p>1 increases other management employees within the</p> <p>2 county received.</p> <p>3 Q.       Those are like cost of living increases?</p> <p>4 A.       Yeah, the increases each year.</p> <p>5 Q.       The standard like three percent I think</p> <p>6 it is?</p> <p>7 A.       I believe that's what they were, yes.</p> <p>8 Q.       Okay.</p> <p>9           And she had -- Jane Doe 4 had held the</p> <p>10 dual role position for about -- I think it was --</p> <p>11 it was in '19 I think she was brought in.</p> <p>12           Does that sound right?</p> <p>13 A.       I don't know.</p> <p>14 Q.       It had been a couple years that she had</p> <p>15 held that dual role, correct?</p> <p>16 A.       Yes, I believe that -- yes. I don't</p> <p>17 exactly know the date.</p> <p>18 Q.       So she was taken back. Other than the</p> <p>19 standard three percent raises, she was taken back</p> <p>20 to her singular roles -- Jane Doe 4 was taken back</p> <p>21 to her singular role salary without consideration</p> <p>22 for the years that she had given to the county</p> <p>23 holding two positions.</p> <p>24           MS. PIPAK: I'll object to the</p>
Page 439	Page 441
<p>1 why Ms. Zimmerman was offered \$4,000 than Jane Doe</p> <p>2 4 when she held two positions -- when Jane Doe 4</p> <p>3 was holding two positions?</p> <p>4 A.       Ms. Zimmerman's current salary as a</p> <p>5 field appraiser was pretty high at the point</p> <p>6 because she had a number -- I believe she had like</p> <p>7 20-plus years of -- probably more than that --</p> <p>8 years of experience in the county. So in order</p> <p>9 to, you know, have her take on a supervisory role</p> <p>10 within the office we needed to give her credit for</p> <p>11 that years of service, and therefore the</p> <p>12 determination for that salary was made.</p> <p>13 Q.       Well, what about the consideration for</p> <p>14 Jane Doe 4 holding two positions?</p> <p>15 A.       I wasn't responsible for determining her</p> <p>16 salary when the two positions were combined.</p> <p>17 Q.       Well, what about Jane Doe 4's salary as</p> <p>18 just the deputy chief assessor after her demotion,</p> <p>19 were you involved in that?</p> <p>20 A.       I discussed it with members of the</p> <p>21 salary board, and it was determined we would take</p> <p>22 her back -- the recommendation would be to take</p> <p>23 her back to her former salary, and give her the</p> <p>24 increases that were appropriate based upon the</p>	<p>1 form. Go ahead.</p> <p>2           THE WITNESS: No. She was taken</p> <p>3 back to the salary she had when she had the other</p> <p>4 position, and given the appropriate increases on</p> <p>5 top of that. I did not reevaluate all of her</p> <p>6 experience at that time.</p> <p>7 BY MS. SMITH:</p> <p>8 Q.       But Ms. Zimmerman's experience was</p> <p>9 evaluated and considered when giving her her</p> <p>10 salary, right?</p> <p>11 A.       Yes.</p> <p>12 Q.       So why was hers considered but Jane Doe</p> <p>13 4's wasn't?</p> <p>14 A.       Because the decision was made to take</p> <p>15 Jane Doe 4 back to her former salary and give her</p> <p>16 the increases she would have received had the</p> <p>17 offices not been combined.</p> <p>18 Q.       Who made that decision?</p> <p>19 A.       The salary board made that decision</p> <p>20 ultimately.</p> <p>21 Q.       Who on the salary board discussed it?</p> <p>22 A.       I discussed -- when I -- we separated</p> <p>23 the offices, I discussed it with Ms. Yackenchick,</p> <p>24 who is the controller who served on the salary</p>



<p style="text-align: right;">Page 442</p> <p>1 board as to how I -- how we determined the</p> <p>2 recommendation for the salary. And then</p> <p>3 ultimately that was the recommendation. But</p> <p>4 ultimately if the salary board didn't agree with</p> <p>5 it, they didn't have to vote for it.</p> <p>6 Q. Okay.</p> <p>7 But so you're saying that salary board</p> <p>8 ultimately decided. You mean they voted on it,</p> <p>9 correct?</p> <p>10 A. No, they decided, because the vote is</p> <p>11 how the salary is set. If they voted it down,</p> <p>12 then we would have had to go back and reevaluate</p> <p>13 the salary and make a different recommendation.</p> <p>14 Q. Okay.</p> <p>15 But the number -- the salary board</p> <p>16 doesn't vote on the number until the number is put</p> <p>17 in front of them?</p> <p>18 A. Yes, that's correct.</p> <p>19 Q. So who put -- who decided to put -- let</p> <p>20 me just for clarification mark 147.</p> <p>21 MS. SMITH: SC307.</p> <p>22 - - -</p> <p>23 (SC307 and 147 marked as Exhibit-147 for</p> <p>24 identification.)</p>	<p style="text-align: right;">Page 444</p> <p>1 salary board?</p> <p>2 A. I guess it was a collective decision</p> <p>3 because we had a discussion about that, and that's</p> <p>4 what was -- the form was submitted.</p> <p>5 Q. And the \$39,727.18 is the salary that</p> <p>6 Jane Doe 4 held prior to when she was -- before</p> <p>7 Jane Doe 4 was promoted to the dual role, she was</p> <p>8 just the assistant tax claim director, correct?</p> <p>9 A. Yes.</p> <p>10 Q. \$39,727.18 is the salary that Jane Doe 4</p> <p>11 held in the position of tax claim director, plus</p> <p>12 however many years of three percent raises,</p> <p>13 correct?</p> <p>14 A. Yes.</p> <p>15 Q. There was no consideration for the fact</p> <p>16 that Jane Doe 4 had given whatever many years as a</p> <p>17 dual -- serving in a dual role, correct?</p> <p>18 A. The consideration was already given</p> <p>19 because she was already in a management role. So</p> <p>20 when she was selected as the assistant tax claim</p> <p>21 director, when they set -- whoever set the salary,</p> <p>22 it was not me, nor was it me when the salary was</p> <p>23 set for that dual role, that consideration should</p> <p>24 have been given at that time because it was</p>
<p style="text-align: right;">Page 443</p> <p>1 - - -</p> <p>2 THE TECHNICIAN: I'm sorry,</p> <p>3 Counsel, you said SC307 and 147?</p> <p>4 MS. SMITH: Yeah, it should be in</p> <p>5 one pdf.</p> <p>6 MS. PIPAK: So just one Exhibit?</p> <p>7 MS. SMITH: Yes.</p> <p>8 MS. PIPAK: Okay.</p> <p>9 BY MS. SMITH:</p> <p>10 Q. Ms. Zula, this first page here, SC307,</p> <p>11 is the par for Jane Doe 4's demotion, correct?</p> <p>12 A. Yes.</p> <p>13 Q. The \$39,727.18 that is on this par for</p> <p>14 her recommended new salary in her solo position of</p> <p>15 deputy chief assessor to begin on March 18th, who</p> <p>16 decided to write that number there?</p> <p>17 A. I wrote the number because I filled the</p> <p>18 par out. But there was discussion between myself,</p> <p>19 Mr. Bender, as well as the controller who served</p> <p>20 on the salary board as to the determination of</p> <p>21 that number.</p> <p>22 Q. Okay.</p> <p>23 And who ultimately made that decision</p> <p>24 that would be the number to recommend to the</p>	<p style="text-align: right;">Page 445</p> <p>1 management position. In Ms. Zimmerman's case, she</p> <p>2 moved from a union position to a management</p> <p>3 position.</p> <p>4 Q. Did anybody ever respond -- going back</p> <p>5 to 146.</p> <p>6 Did anybody ever respond to Jane Doe 4's</p> <p>7 pay discrimination complaint?</p> <p>8 MS. PIPAK: Object to the form.</p> <p>9 THE WITNESS: I did not respond to</p> <p>10 her e-mail, no.</p> <p>11 BY MS. SMITH:</p> <p>12 Q. Do you know if anyone did?</p> <p>13 A. I don't know.</p> <p>14 Q. Did you ever ask anybody if they did?</p> <p>15 A. No, I did not.</p> <p>16 Q. Okay.</p> <p>17 I'm sorry. Going back to 147,</p> <p>18 commissioner -- defendant Halcovage was</p> <p>19 commissioner on March 17th, 2021, correct?</p> <p>20 A. Yes.</p> <p>21 Q. Commissioner Halcovage voted on both 307</p> <p>22 and 407, which make up Exhibit-147, correct?</p> <p>23 A. Yes, to my recollection he did vote.</p> <p>24 Q. He voted in the affirmative for them,</p>

<p>Page 446</p> <p>1 Jane Doe 3 and Jane Doe 4, to be demoted, correct?</p> <p>2 A. Yes.</p> <p>3 Q. Did you think that was appropriate?</p> <p>4 MS. PIPAK: Object to the form.</p> <p>5 You can answer.</p> <p>6 THE WITNESS: It's not my opinion.</p> <p>7 I have no opinion. If that's -- he, as a sitting</p> <p>8 commissioner, he can make the decision if he votes</p> <p>9 or he doesn't vote.</p> <p>10 BY MS. SMITH:</p> <p>11 Q. I understand he can make the decision.</p> <p>12 But I'm saying do you believe it was</p> <p>13 appropriate -- as you sit here today, do you think</p> <p>14 it was appropriate for him to vote on March 17th,</p> <p>15 2021 on the demotion of two women who had accused</p> <p>16 him of sexual harassment?</p> <p>17 MS. PIPAK: Same objection. You</p> <p>18 can answer.</p> <p>19 THE WITNESS: He was a</p> <p>20 commissioner. The job of the commissioner is to</p> <p>21 vote on actions presented before the board. So,</p> <p>22 yes, he can vote.</p> <p>23 BY MS. SMITH:</p> <p>24 Q. Well, he can is what he is able to do by</p>	<p>Page 448</p> <p>1 the assessment office prior to June 23rd, 2021,</p> <p>2 correct?</p> <p>3 A. Yes.</p> <p>4 Q. That would be a management level</p> <p>5 position, correct?</p> <p>6 A. No, it's a union level position.</p> <p>7 Q. Okay.</p> <p>8 Why is Ms. Dash -- why was she approved</p> <p>9 for an increase from 52 to 58,000 when Jane Doe 4</p> <p>10 received \$47,057 for dual roles, and Ms. Dash is</p> <p>11 only completing one role?</p> <p>12 A. Again, given to Ms. Dash -- given Ms.</p> <p>13 Dash's long tenure in the county and her movement</p> <p>14 from a union to a supervisory role, there has to</p> <p>15 be some additional compensation to compensate for</p> <p>16 her added responsibilities in the tax claim</p> <p>17 office.</p> <p>18 Q. How many years has Deb Dash been with</p> <p>19 the county?</p> <p>20 A. I believe its like over 30, 35. She has</p> <p>21 extensive -- I don't know exactly the years, but</p> <p>22 it's a lot.</p> <p>23 Q. How long had Ms. Zimmerman been with the</p> <p>24 county?</p>
<p>Page 447</p> <p>1 statute, by law, whatever. He also can recuse</p> <p>2 himself, correct?</p> <p>3 A. Yes, that he could.</p> <p>4 Q. So is your opinion that he should have</p> <p>5 voted or that he should have recused himself on</p> <p>6 these votes?</p> <p>7 A. I believe as a sitting commissioner he</p> <p>8 should have the right to vote, yes.</p> <p>9 Q. So you believe he should have voted on</p> <p>10 these? Not does he have the right to vote. I'm</p> <p>11 asking you for your opinion as to whether he</p> <p>12 should have involved himself in this personnel</p> <p>13 matter?</p> <p>14 A. Yes.</p> <p>15 MS. SMITH: Okay. I'm going to</p> <p>16 mark Zula 2589 as 148.</p> <p>17 - - -</p> <p>18 (Zula 2589 marked as Exhibit-148 for</p> <p>19 identification.)</p> <p>20 - - -</p> <p>21 BY MS. SMITH:</p> <p>22 Q. Do you recognize this e-mail, Ms. Zula?</p> <p>23 A. Yes.</p> <p>24 Q. Deb Dash was the clerical supervisor for</p>	<p>Page 449</p> <p>1 A. I believe it's close to 25 plus.</p> <p>2 Q. Ms. Dash was assigned -- received the</p> <p>3 pay increase to hold the position of interim</p> <p>4 assistant director, correct?</p> <p>5 A. Yes, correct. This was when Jane Doe 4</p> <p>6 and Jane Doe 3 went out on leave.</p> <p>7 Q. Okay.</p> <p>8 And has anyone else ever, to your</p> <p>9 knowledge, received a salary increase when holding</p> <p>10 simply an interim position?</p> <p>11 A. Yes.</p> <p>12 Q. And then are they returned to their</p> <p>13 former salary when they no longer hold that</p> <p>14 position?</p> <p>15 A. Yes.</p> <p>16 Q. Was Ms. Dash returned?</p> <p>17 A. Yes.</p> <p>18 Q. Okay.</p> <p>19 Did anyone investigate Jane Doe 4's pay</p> <p>20 discrimination complaint in this e-mail?</p> <p>21 A. No.</p> <p>22 Q. Did anyone ever respond to Jane Doe 4?</p> <p>23 A. I did not. I don't know if anyone else</p> <p>24 did.</p>

<p>1 Q. Do you know why neither e-mails of Jane 2 Doe 4's containing pay discrimination complaints 3 were investigated? 4 MS. PIPAK: Object to the form. 5 But go ahead. 6 THE WITNESS: I don't believe this 7 was a pay discrimination complaint. She's 8 complaining simply about her salary versus 9 Ms. Dash's. And I didn't believe it's appropriate 10 for us to discuss Ms. Dash's or anyone else's 11 salary with Jane Doe 4. 12 BY MS. SMITH: 13 Q. So you didn't think there was any 14 investigation to be done or explanation to be 15 given, such as the one you just gave here today to 16 Jane Doe 4? 17 A. No. 18 MS. PIPAK: Object to the form. Go 19 ahead. 20 BY MS. SMITH: 21 Q. Who made the decision regarding 22 Ms. Dash's salary increased? 23 A. The salary board. 24 Q. I get the two voted on it, but who put</p>	<p>Page 450</p> <p>1 official capacity need to be professional, and not 2 refer or to discuss the pending litigation of 3 claims. These types of e-mails need to stop. 4 What type of e-mails needed to stop? 5 A. The e-mails regarding all of their 6 claims, their unprofessional behavior towards 7 other employees in the courthouse. 8 Q. So is referencing their claims what you 9 believe to be unprofessional? 10 A. No, their behavior towards other people 11 was unprofessional. 12 Q. What other unprofessional behavior in 13 March of 2021 had you observed either Jane Doe 3 14 or Jane Doe 4 engage in? 15 A. There were e-mails to -- I don't recall 16 all of the situations. I knew there was an 17 instance, while it was probably after this with 18 Mr. Alu -- I don't recall specific situations. 19 Q. Okay. 20 Why did you believe they needed to stop 21 referencing their pending litigation of claims? 22 A. Well, first off, they're identified as 23 Jane Does. And so, you know, we're not allowed to 24 talk about it. So I didn't think it's appropriate</p> <p>Page 452</p>
<p>1 the number on the par? 2 A. That was a discussion between myself and 3 Mr. Bender. 4 Q. When a employee has a personnel matter 5 issue with another employee, is that something 6 that HR gets involved? 7 A. It depends on the situation. If it's 8 brought to our attention, sometimes employee 9 matters are dealt with at the supervisory level -- 10 it depends on the situation. 11 MS. SMITH: I'm going to mark Ms. 12 Zula 784 and 785 as 149. 13 --- 14 (Zula 784-785 marked as Exhibit-149 for 15 identification.) 16 --- 17 BY MS. SMITH: 18 Q. Do you recognize this e-mail chain? 19 A. Yes. 20 Q. In your e-mail to Mr. Bender in the 21 second sentence you state, if possible, I believe 22 we should issue some sort of directive to Jane Doe 23 4 and Jane Do 3 that their interactions with 24 others in the county while performing in their</p> <p>Page 451</p>	<p>1 for them to be talking about it to other staff in 2 the courthouse. 3 Q. Well, they're Jane Does because they 4 chose to be Jane Does. But if they choose to out 5 their claims, what's wrong with them talking about 6 their claims against the county? 7 MS. PIPAK: I'm going to object to 8 the form. 9 THE WITNESS: I don't believe it 10 had anything to do with their day-to-day 11 operations with the treasurer's office. Or other 12 employees in the courthouse in other departments. 13 BY MS. SMITH: 14 Q. What if the litigation claims, as we've 15 reviewed in many documents so far in this 16 deposition, were impacting their ability to 17 operate and supervise their offices? 18 MS. PIPAK: Object to the form. Go 19 ahead. 20 THE WITNESS: I just didn't feel it 21 was appropriate. 22 BY MS. SMITH: 23 Q. Is there any county policy that says 24 that pending litigation of claims can't be</p> <p>Page 453</p>

<p>1 discussed?</p> <p>2 A. Not to my knowledge.</p> <p>3 Q. In two sentences down you say there is</p> <p>4 certainly a way for Jane Doe 4 and Jane Do 3 to</p> <p>5 address her concerns without engaging in such</p> <p>6 unprofessional behavior.</p> <p>7 This is an e-mail sent to Alicia Beach</p> <p>8 from Jane Doe 4, correct?</p> <p>9 A. Yes.</p> <p>10 Q. Jane Do 3 is not an author of this, is</p> <p>11 she?</p> <p>12 A. She was part of the conversation, was my</p> <p>13 understanding, when I talked to Ms. Griffin and</p> <p>14 Ms. Beach from the treasurer's office.</p> <p>15 Q. Was an investigation done into this</p> <p>16 incident?</p> <p>17 A. Yes. I spoke with -- well, I don't know</p> <p>18 if investigation is the right word. I spoke with</p> <p>19 Ms. Griffin and Ms. Beach when they came down to</p> <p>20 my office, and they worked for an elected</p> <p>21 official, Ms. Marchak. And so I spoke with her.</p> <p>22 And she indicated that she would address the</p> <p>23 behaviors and deal with her staff and how to</p> <p>24 interact with other departments in the courthouse.</p>	<p>Page 454</p>	<p>1 the subject of this e-mail.</p> <p>2 Q. Okay.</p> <p>3 So then, I guess just to clarify, is</p> <p>4 there anything in this e-mail from Jane Doe 4 to</p> <p>5 Ms. Beach that you believe is unprofessional? The</p> <p>6 one in front of you.</p> <p>7 A. I believe the tone is unprofessional of</p> <p>8 the e-mail. Yes, I do.</p> <p>9 Q. So just the overall, what you call, tone</p> <p>10 of an e-mail?</p> <p>11 A. Well, I believe also, like just her</p> <p>12 indication perhaps you are too busy to handle this</p> <p>13 workload. I mean the tone is just very</p> <p>14 condescending towards another employee. If she</p> <p>15 had a concern regarding the issue, she could have</p> <p>16 addressed it in a professional manner, or with the</p> <p>17 supervisor.</p> <p>18 Q. The next sentence in your e-mail states</p> <p>19 we've completely lost control as it pertains to</p> <p>20 the actions of Jane Do 3 and Jane Doe 4 and it</p> <p>21 needs to be addressed.</p> <p>22 What control had you lost of Jane Do 3</p> <p>23 and Jane Doe 4?</p> <p>24 A. Their actions towards other employees.</p>	<p>Page 456</p>
<p>1 Q. Were notes taken for any of the</p> <p>2 conversations that you had?</p> <p>3 A. I don't recall.</p> <p>4 Q. When -- is there a decision or policy or</p> <p>5 any guide as to when notes should be taken or when</p> <p>6 notes shouldn't be taken regarding a personnel</p> <p>7 issue.</p> <p>8 A. Oh, I don't think there is any policy</p> <p>9 that says that.</p> <p>10 Q. So it's just discretionary?</p> <p>11 A. I guess. Potentially I took notes. I</p> <p>12 don't remember.</p> <p>13 Q. Can you tell me what in Jane Doe 4's</p> <p>14 email you believe is unprofessional behavior?</p> <p>15 A. I believe her unprofessional behavior</p> <p>16 was when she came -- well, based upon the</p> <p>17 discussions that she had with Ms. Griffin and Ms.</p> <p>18 Beach about this interaction, that those were what</p> <p>19 was unprofessional.</p> <p>20 Q. I'm sorry, you lost me. So was -- other</p> <p>21 than this e-mail, was there also in-person verbal</p> <p>22 communication between Ms. Beach and Jane Doe 4?</p> <p>23 A. I believe so, yes. Because they had</p> <p>24 discussion about the letters I believe that were</p>	<p>Page 455</p>	<p>1 They just -- I mean we had issues with MIS, issues</p> <p>2 with payroll. There was a concern about their</p> <p>3 voicemail. There was -- every concern that</p> <p>4 addressed an operational issue was addressed in</p> <p>5 such an unprofessional manner towards others. If</p> <p>6 there was an issue regarding an operational</p> <p>7 concern, there's no need to, you know, be very</p> <p>8 condescending in your e-mails. You can be</p> <p>9 professional and ask the question. I mean there's</p> <p>10 a way to ask a question versus being</p> <p>11 unprofessional about asking a question.</p> <p>12 Q. Did you consider that in March of 2021</p> <p>13 it had been almost a year since the -- since Jane</p> <p>14 Doe 1 had reported the sexual assaults and</p> <p>15 harassment, and that -- and what had occurred</p> <p>16 during that year, what attempts Jane Doe 3 and</p> <p>17 Jane Doe 4 had made during that year to engage in</p> <p>18 professional behavior with no response having been</p> <p>19 given?</p> <p>20 MS. PIPAK: Object to the form. Go</p> <p>21 ahead.</p> <p>22 THE WITNESS: I'm not sure I</p> <p>23 understand your question. I've reviewed -- I've</p> <p>24 considered that Jane Doe 4 and Jane Doe 3, Jane</p>	<p>Page 457</p>



<p style="text-align: right;">Page 458</p> <p>1 Doe 1 and Jane Doe 2, were still employees of  2 county and I understand they had claims. The  3 county put provisions in place to address those  4 claims, but they were still employees of the  5 county and needed to be held to the same standard  6 of all other employees. When other employees act  7 in an unprofessional manner their decisions --  8 their actions are dealt with appropriately.  9 BY MS. SMITH:  10 Q. You just said the county put provisions  11 in place.  12 What provisions did they put in place?  13 A. There was no contact to be made with Mr.  14 Halcovage who seems to be the issue with their  15 claims. And so they haven't had any contact with  16 him during their work product. During their work  17 at the county.  18 Q. Is that the only provision you believe  19 the county put in place?  20 A. We put provisions in -- well, I mean  21 potentially, yes, I guess. To make sure there was  22 contact with Mr. Halcovage. And limited contact  23 with Mr. Bender was my understanding as well.  24 Q. If an individual is making numerous</p>	<p style="text-align: right;">Page 460</p> <p>1 ahead.  2 THE WITNESS: I don't know what  3 their non-answered request would have been prior  4 to my employment.  5 BY MS. SMITH:  6 Q. Because you didn't look into it,  7 correct?  8 A. Why would I look into requests that  9 weren't answered when I wasn't even there. I  10 don't even know what those requests would have  11 been.  12 Q. So if you don't know what requests they  13 made or what didn't go unanswered, how can you say  14 they shouldn't have been frustrated regarding  15 unanswered requests?  16 MS. PIPAK: Object to the form. Go  17 ahead.  18 THE WITNESS: I don't understand  19 how I would look into something that happened  20 prior to my even being employed and not being  21 aware of it.  22 BY MS. SMITH:  23 Q. Did you speak with Ms. Kutzler to find  24 out if she had ever had any unanswered requests by</p>
<p style="text-align: right;">Page 459</p> <p>1 attempts to have questions answered, concerns,  2 answered, issues dealt with and they receive no  3 response, do you understand that one could become  4 frustrated?  5 A. All of their concerns related to their  6 operational work were addressed. So their  7 voicemail issues, the check request issues, the  8 payroll issues they were all addressed, and we  9 took action. Maybe not responding via e-mail, but  10 action was taken to address their concerns.  11 Q. Were they informed of the action that  12 was taken?  13 A. Well, yes, because they were accesses to  14 check requests, accesses to payroll, accesses to  15 their voicemail. Yes, they were informed. Maybe  16 not by me, but they were informed because the  17 issues were addressed and taken care of.  18 Q. Was Jane Doe 4's questions about salary  19 ever addressed?  20 A. No, that was not. No.  21 Q. What about for the period of time before  22 you were employed, did you consider any  23 non-answered requests from that period of time?  24 MS. PIPAK: Object to the form. Go</p>	<p style="text-align: right;">Page 461</p> <p>1 these individuals?  2 A. No. I don't believe, no.  3 Q. Did you ever speak with Jane Doe 3 and  4 Jane Doe 4 and say what do you guys need?  5 A. No, I did not.  6 Q. Did you ever speak with them and say --  7 I mean, let's start with this. After exhibit 149,  8 when you -- after you talked with Ms. Griffin and  9 Ms. Beach and Ms. Marchak, did you ever go to Jane  10 Doe 4 and Jane Doe 3 and say, hey, guys why are  11 your e-mails unprofessional? What's the issue?  12 Why are you so frustrated? Why are you acting in  13 this manner? And let them explain to you why this  14 was occurring?  15 MS. PIPAK: Object to the form. Go  16 ahead.  17 THE WITNESS: They wouldn't talk to  18 me. They did not want to talk to me.  19 BY MS. SMITH:  20 Q. Ms. Zula, we just went through numerous  21 e-mails where they were communicating with you  22 their concern. Did you ever reply to them and  23 say, hey, what --  24 A. Yes, eventually I did.</p>

<p>Page 462</p> <p>1 Q. When was that?</p> <p>2 MS. PIPAK: Let her ask the</p> <p>3 question and then you can answer.</p> <p>4 THE WITNESS: Yeah, eventually I</p> <p>5 did. I don't remember. But, yes, we did address</p> <p>6 it.</p> <p>7 BY MS. SMITH:</p> <p>8 Q. Was it after March 26, 2021?</p> <p>9 A. I don't recall.</p> <p>10 Q. Who was in that meeting that you</p> <p>11 addressed it?</p> <p>12 A. It wasn't a meeting. It was an e-mail.</p> <p>13 Q. And how did you address it? What was</p> <p>14 the topic or conversation that you --</p> <p>15 A. I believe there was an e-mail just</p> <p>16 indicating that, you know, we're requesting that</p> <p>17 your communication with others be professional.</p> <p>18 Q. Is that when they were written up for</p> <p>19 their alleged unprofessional communication with</p> <p>20 Mr. Alu?</p> <p>21 MS. PIPAK: Object to the form.</p> <p>22 THE WITNESS: No, it was I believe</p> <p>23 prior to that.</p> <p>24 MS. PIPAK: Before you -- I want to</p>	<p>Page 464</p> <p>1 employees who were acting unprofessional towards,</p> <p>2 I believe, lieutenants that we dealt with.</p> <p>3 Q. What lieutenant was at issue?</p> <p>4 A. I don't recall.</p> <p>5 Q. Who were the employees?</p> <p>6 A. I believe that one was -- I forget his</p> <p>7 name. James Preneta, I believe.</p> <p>8 Q. Do you recall from that incident if</p> <p>9 Mr. Preneta, or whoever was the subject of the</p> <p>10 issue, was written up?</p> <p>11 A. Yes. And I believe Mr. Oliver. He was</p> <p>12 ultimately terminated.</p> <p>13 Q. Is Mr. Oliver at the prison?</p> <p>14 A. He's at the prison.</p> <p>15 Q. Any others?</p> <p>16 A. I'm thinking.</p> <p>17 We addressed situations in Children and</p> <p>18 Youth regarding employee behavior towards their</p> <p>19 supervisor. One specific was the receptionist. I</p> <p>20 cannot recall her name. And the supervisor there.</p> <p>21 She was not formally disciplined, but a discussion</p> <p>22 was had with her.</p> <p>23 Q. She was not formally disciplined?</p> <p>24 A. No.</p>
<p>Page 463</p> <p>1 just make a statement. This is the first time</p> <p>2 I've seen this document.</p> <p>3 MS. SMITH: What one?</p> <p>4 MS. PIPAK: The 149. Or the first</p> <p>5 time I realized that it was produced. I want to</p> <p>6 look into it -- but I let her answer the questions</p> <p>7 about the underlying facts. It just seems like</p> <p>8 she might be reaching out to an attorney for some</p> <p>9 thoughts.</p> <p>10 MS. SMITH: I mean he's cc'd on it,</p> <p>11 but it's communication to Bender, so --</p> <p>12 MS. PIPAK: Right, at the very</p> <p>13 bottom. So I let you go ahead with questions, but</p> <p>14 I just want to raise that issue now.</p> <p>15 BY MS. SMITH:</p> <p>16 Q. Ms. Zula, you were indicating that if</p> <p>17 other employees acted in an unprofessional</p> <p>18 behavior they were disciplined and dealt with.</p> <p>19 Do you recall that testimony?</p> <p>20 A. Potentially not -- I don't know if I</p> <p>21 said disciplined. But, yes, action was taken to</p> <p>22 address their behavior.</p> <p>23 Q. Can you give me any examples?</p> <p>24 A. We had issues at the prison regarding</p>	<p>Page 465</p> <p>1 Q. Let's start with the most recent, the</p> <p>2 Children and Youth receptionist, do you recall</p> <p>3 what had happened?</p> <p>4 A. There was an issue regarding her calling</p> <p>5 in for the day. She thought she put a sick leave</p> <p>6 request in, however she didn't. And then she</p> <p>7 didn't show up to work on time and was pretty</p> <p>8 excessively late. So the supervisor reached out</p> <p>9 to her and she kind of flipped. Like was very</p> <p>10 short and unprofessional with her supervisor in</p> <p>11 her response. So her supervisor contacted me to</p> <p>12 determine, you know, what they should do. So we</p> <p>13 had a meeting with -- I had a meeting with the</p> <p>14 employee and the supervisor to kind of discuss the</p> <p>15 issue and what expectations were moving forward.</p> <p>16 Q. Why wasn't she formally disciplined?</p> <p>17 A. I don't believe it rose to that level at</p> <p>18 that point in time.</p> <p>19 Q. What was Mr. Oliver terminated for?</p> <p>20 A. He was terminated for a number of</p> <p>21 different incidents. But one included his</p> <p>22 interaction with -- I believe it was Lieutenant</p> <p>23 Fair(ph) in the break room.</p> <p>24 Q. What happened between him and Lieutenant</p>

<p>Page 466</p> <p>1 Fair?</p> <p>2 A. He made an off-comment about the</p> <p>3 lieutenant. I don't recall exactly what he said.</p> <p>4 But there were a number of other issues that</p> <p>5 resulted in his termination. But that was one of</p> <p>6 them.</p> <p>7 Q. What were the others?</p> <p>8 A. He had brought a cell phone into the</p> <p>9 jail. He also got into an altercation with</p> <p>10 another employee. And then he also had prior</p> <p>11 discipline.</p> <p>12 Q. And do you know, the James Preneta</p> <p>13 issue, what was he written up for?</p> <p>14 A. I believe his was again an interaction</p> <p>15 with the lieutenant, but I don't recall the exact</p> <p>16 specifics with that.</p> <p>17 Q. Mr. Oliver's physical altercation with</p> <p>18 another -- it was another employee?</p> <p>19 A. He had --</p> <p>20 MS. PIPAK: Object to the form. Go</p> <p>21 ahead.</p> <p>22 THE WITNESS: It wasn't an</p> <p>23 altercation. He had basically an issue in the</p> <p>24 lunchroom regarding lunch. He grabbed -- I</p>	<p>Page 468</p> <p>1 Q. Did you ever investigate this e-mail</p> <p>2 from Jane Doe 4 on April 5th, 2021?</p> <p>3 A. Yes, I informed Ms. Marchak of the</p> <p>4 situation.</p> <p>5 Q. Any other action taken?</p> <p>6 A. I'm not aware. As the treasurer's</p> <p>7 office is an elected official's office, HR does</p> <p>8 not have any control of what occurs in that office</p> <p>9 as far as discipline.</p> <p>10 Q. Why do you believe that?</p> <p>11 A. Because the elected officials have the</p> <p>12 right to hire, fire and supervise.</p> <p>13 Q. Where does your knowledge or belief of</p> <p>14 that come from?</p> <p>15 A. From the county code.</p> <p>16 Q. Have you read the county code?</p> <p>17 A. No, not the whole thing.</p> <p>18 Q. Do you know what section of the county</p> <p>19 code it is?</p> <p>20 A. I did. I can't remember the exact</p> <p>21 number now. But, yes, it's referenced in our</p> <p>22 Collective Bargaining Agreement that they reserve</p> <p>23 the right to hire, fire and supervise their</p> <p>24 employees. That's part of the Collective</p>
<p>Page 467</p> <p>1 believe he grabbed somebody else's lunch, or</p> <p>2 something like that, in the lunchroom. But, yes,</p> <p>3 it did involve another employee.</p> <p>4 BY MS. SMITH:</p> <p>5 Q. But I think your testimony was it was an</p> <p>6 altercation --</p> <p>7 A. Okay. Well, maybe that wasn't</p> <p>8 classified correctly. But he had an issue -- I</p> <p>9 guess we could call it an altercation. It wasn't</p> <p>10 like a physical, but he grabbed somebody else's</p> <p>11 lunch and took it off of them.</p> <p>12 Q. Do you know, was it grabbing lunch off a</p> <p>13 table or off the person?</p> <p>14 A. I think it was a table.</p> <p>15 Q. Okay.</p> <p>16 MS. SMITH: Zula 893 is going to</p> <p>17 exhibit 150.</p> <p>18 ---</p> <p>19 (Zula 893 marked as Exhibit-150 for</p> <p>20 identification.)</p> <p>21 ---</p> <p>22 BY MS. SMITH:</p> <p>23 Q. Do you recognize this e-mail?</p> <p>24 A. Yes.</p>	<p>Page 469</p> <p>1 Bargaining Agreement which Ms. Alisha Beach is</p> <p>2 covered by.</p> <p>3 Q. Is it section 1620 of the county code?</p> <p>4 A. Sounds about right.</p> <p>5 Q. What's your understanding of what that</p> <p>6 portion of the county code states?</p> <p>7 A. That the --</p> <p>8 MS. PIPAK: Object to the form. Go</p> <p>9 ahead.</p> <p>10 THE WITNESS: That the elected</p> <p>11 official has the right to employ the employees</p> <p>12 that they elect -- or they select. They have the</p> <p>13 right to terminate those employees that they</p> <p>14 select. And throughout their employment that they</p> <p>15 have the right to, you know, appropriately</p> <p>16 discipline employees.</p> <p>17 BY MS. SMITH:</p> <p>18 Q. Did you ever speak with anyone to gain</p> <p>19 knowledge specifically as to what the county code</p> <p>20 allows or does not allow HR to do regarding</p> <p>21 employees in elected officials' offices?</p> <p>22 A. Yes, the solicitor's office. I was</p> <p>23 advised by the solicitor's office what my ability</p> <p>24 was as HR as it related to elected officials'</p>

<p style="text-align: right;">Page 470</p> <p>1 employees.</p> <p>2 Q. And whom in the solicitor's office did</p> <p>3 you speak with?</p> <p>4 A. Al Marshall.</p> <p>5 Q. So, Ms. Zula, what's your understanding</p> <p>6 of what would happen if a elected -- an employee</p> <p>7 in an elected official's office refused to take</p> <p>8 sexual harassment training?</p> <p>9 A. It says we would discuss with the</p> <p>10 elected official that, you know, we need the</p> <p>11 employee to do this, and typically we've gotten</p> <p>12 cooperation.</p> <p>13 Q. What happens if you didn't get</p> <p>14 cooperation?</p> <p>15 MS. PIPAK: Object to the form. Go</p> <p>16 ahead.</p> <p>17 THE WITNESS: I'm not certain.</p> <p>18 BY MS. SMITH:</p> <p>19 Q. What would happen if an employee in an</p> <p>20 elected official's office punched another employee</p> <p>21 in the face?</p> <p>22 MS. PIPAK: Object to the form. Go</p> <p>23 ahead.</p> <p>24 THE WITNESS: We would work with</p>	<p style="text-align: right;">Page 472</p> <p>1 Marchak's statements were defamatory towards their</p> <p>2 offices?</p> <p>3 A. Yes, I recall that.</p> <p>4 Q. Did you ever discuss it with Ms.</p> <p>5 Marchak?</p> <p>6 A. I informed Ms. Marchak of the</p> <p>7 information that they provided. However, there</p> <p>8 was nothing I could do to address her as an</p> <p>9 elected official.</p> <p>10 Q. But you didn't listen to the --</p> <p>11 A. No, --</p> <p>12 Q. -- radio show, correct?</p> <p>13 A. I did not.</p> <p>14 Q. So you couldn't take Ms. Marchak through</p> <p>15 things that maybe she should or shouldn't do when</p> <p>16 speaking on a local radio show?</p> <p>17 MS. PIPAK: Object to the form. Go</p> <p>18 ahead.</p> <p>19 THE WITNESS: No.</p> <p>20 BY MS. SMITH:</p> <p>21 Q. Did you ever inform Jane Doe 3 or Jane</p> <p>22 Doe 4 that you had spoken with Ms. Marchak?</p> <p>23 A. No.</p> <p>24 Q. Do you recall when Mr. Alu's contract or</p>
<p style="text-align: right;">Page 471</p> <p>1 that elected official to address the situation and</p> <p>2 attempt to, you know, have them do the right thing</p> <p>3 as far as to deal with the situation.</p> <p>4 BY MS. SMITH:</p> <p>5 Q. And what would happen if they wouldn't</p> <p>6 work with you and do the right thing?</p> <p>7 MS. PIPAK: Object to the form.</p> <p>8 THE WITNESS: I don't know.</p> <p>9 BY MS. SMITH:</p> <p>10 Q. I'm sorry if you answered this.</p> <p>11 Did ever reply to Jane Doe 4 and inform</p> <p>12 her that you had addressed the issue with Ms.</p> <p>13 Marchak?</p> <p>14 A. I don't believe I did.</p> <p>15 Q. Do you recall being informed that Ms.</p> <p>16 Marchak planned to speak on a local radio show,</p> <p>17 Step Up To the Mic?</p> <p>18 A. Yes.</p> <p>19 Q. Did you ever listen to Ms. Marchak's</p> <p>20 comments on that local radio show?</p> <p>21 A. No, I did not.</p> <p>22 Q. Do you recall Jane Doe 4 -- do you</p> <p>23 recall either and/or -- either Jane Doe 3 and/or</p> <p>24 Jane Doe 4 informing you that they believe Ms.</p>	<p style="text-align: right;">Page 473</p> <p>1 consultant contract began?</p> <p>2 A. I don't recall the exact date, no.</p> <p>3 Q. I apologize. I'm using a news article,</p> <p>4 but I don't have a copy of that consultation</p> <p>5 contract?</p> <p>6 MS. SMITH: Zula 964 to 966 will be</p> <p>7 Exhibit-151.</p> <p>8 - - -</p> <p>9 (Zula 964-966 marked as Exhibit-151 for</p> <p>10 identification.)</p> <p>11 - - -</p> <p>12 BY MS. SMITH:</p> <p>13 Q. Now again this is a news article. So it</p> <p>14 may be wrong. But do you have any reason to</p> <p>15 believe that Mr. Alu did not start working on</p> <p>16 March 29th as is indicated there on the first</p> <p>17 page?</p> <p>18 A. I don't know. I don't know the exact</p> <p>19 date. I'm not certain. I'm sure it's part of</p> <p>20 public record, so potentially --</p> <p>21 Q. Okay.</p> <p>22 A. -- got it from there.</p> <p>23 Q. Okay.</p> <p>24 And this would be in 2021?</p>



<p>Page 474</p> <p>1 A. Yes.</p> <p>2 Q. On the second page in the third</p> <p>3 paragraph, it states that under the consulting</p> <p>4 contract the county will pay Alu 40 per hour with</p> <p>5 a limit of 105 hours per month, plus mileage.</p> <p>6 Do you know, was Mr. Alu paid \$40 per</p> <p>7 hour?</p> <p>8 A. To my knowledge, yes.</p> <p>9 MS. SMITH: I'm going to mark as</p> <p>10 152 Zula 898 and 899.</p> <p>11 - - -</p> <p>12 (Zula 898-899 marked as Exhibit-152 for</p> <p>13 identification.)</p> <p>14 - - -</p> <p>15 BY MS. SMITH:</p> <p>16 Q. Do you recognize this e-mail chain?</p> <p>17 A. Yes.</p> <p>18 Q. Any reason -- again it states here that</p> <p>19 Mr. Alu's compensation for consulting is 40 an</p> <p>20 hour.</p> <p>21 Any reason to believe that that was not</p> <p>22 true?</p> <p>23 A. I believe it was 40 an hour, yes.</p> <p>24 Q. And Jane Doe 3 indicates in her e-mail</p>	<p>Page 476</p> <p>1 him he would be paid 40 an hour?</p> <p>2 A. Mr. Bender.</p> <p>3 I apologize.</p> <p>4 Q. That's all right.</p> <p>5 The Contactor Consultation Agreement for</p> <p>6 Mr. Alu, I think you talked about this yesterday,</p> <p>7 wouldn't be on a par, but it would still be on the</p> <p>8 commissioner's agenda, correct.</p> <p>9 A. Yes, it would have to be approved by the</p> <p>10 commissioner.</p> <p>11 Q. Voted on, correct?</p> <p>12 A. Yes.</p> <p>13 Q. Does the consultation agreement or</p> <p>14 hourly rate have to be voted on by the salary</p> <p>15 board?</p> <p>16 A. No, because it's part of the agreement.</p> <p>17 So it's not an employee.</p> <p>18 Q. Because it's not coming from salary</p> <p>19 really. It's coming from other county funds?</p> <p>20 A. I guess, yes. But the salary board only</p> <p>21 votes on actual employee actions. Not the</p> <p>22 approval of contracts.</p> <p>23 Q. In the last exhibit 152, in the last</p> <p>24 paragraph of Jane Doe 3's e-mail she indicates</p>
<p>Page 475</p> <p>1 on April 6th, 2021 this is the specific wage that</p> <p>2 was denied to Helene O'Connor, who incidentally</p> <p>3 has the most Schuylkill County assessment</p> <p>4 knowledge of anyone in existence. She was only</p> <p>5 paid 35 an hour.</p> <p>6 Do you know why Mr. Alu was approved at</p> <p>7 \$40 an hour when the \$5 pay increase Ms. O'Connor</p> <p>8 requested when Jane Doe 3 and Jane Doe 4 ran the</p> <p>9 office was denied?</p> <p>10 MS. PIPAK: Object to the form.</p> <p>11 You can answer.</p> <p>12 THE WITNESS: No, I don't. I</p> <p>13 wasn't part of the discussion as to what his</p> <p>14 hourly rate would be, other than to contact him</p> <p>15 and tell him that this is what the offer was.</p> <p>16 BY MS. SMITH:</p> <p>17 Q. Who made that decision?</p> <p>18 A. I'm not a hundred percent certain. I</p> <p>19 don't know.</p> <p>20 Q. Who told you to contact --</p> <p>21 A. Mr. Bender.</p> <p>22 Q. I'm sorry, I'm just going to finish my</p> <p>23 question. That's okay.</p> <p>24 Who told you to contact Mr. Alu and tell</p>	<p>Page 477</p> <p>1 that she believes the reason for Mr. Alu being</p> <p>2 approved but not Ms. O'Connor can only be one of</p> <p>3 two; she's a woman or the decision to deny her \$40</p> <p>4 an hour was retaliatory.</p> <p>5 Would you agree that if a woman was paid</p> <p>6 less than a man simply because they're a woman,</p> <p>7 that that would be gender discrimination?</p> <p>8 MS. PIPAK: Object to the form. Go</p> <p>9 ahead.</p> <p>10 THE WITNESS: Yes.</p> <p>11 BY MS. SMITH:</p> <p>12 Q. Okay.</p> <p>13 So option one that Jane Doe 3 asserts is</p> <p>14 she's asserting that there is potentially gender</p> <p>15 discrimination going on, right?</p> <p>16 MS. PIPAK: Object to the form.</p> <p>17 You can answer.</p> <p>18 THE WITNESS: That's her assertion,</p> <p>19 yes.</p> <p>20 BY MS. SMITH:</p> <p>21 Q. The other assertion she makes in the</p> <p>22 alternative is that it's retaliation, which would</p> <p>23 also be unlawful, correct?</p> <p>24 MS. PIPAK: Object to the form.</p>

<p>Page 478</p> <p>1 You can answer.</p> <p>2 THE WITNESS: Yes.</p> <p>3 BY MS. SMITH:</p> <p>4 Q. Both things of which -- so sexual</p> <p>5 harassment -- or, I'm sorry, gender discrimination</p> <p>6 or retaliation are two items that should be</p> <p>7 investigated by HR, correct?</p> <p>8 A. Potentially, yes.</p> <p>9 Q. Did you ever investigate Jane Doe 3's</p> <p>10 claims of gender discrimination on behalf of</p> <p>11 Ms. O'Connor or retaliation?</p> <p>12 MS. PIPAK: Object to the form.</p> <p>13 You can answer.</p> <p>14 THE WITNESS: No, I did not.</p> <p>15 BY MS. SMITH:</p> <p>16 Q. Why?</p> <p>17 A. I didn't believe it was. Based upon the</p> <p>18 information I received from Mr. Bender, that was</p> <p>19 the offer that was made, and I was not part of</p> <p>20 that determination.</p> <p>21 Q. Well, if you weren't part of it, then</p> <p>22 you didn't have all of the information, correct?</p> <p>23 MS. PIPAK: Object to form. You</p> <p>24 can answer.</p>	<p>Page 480</p> <p>1 what I testified to.</p> <p>2 BY MS. SMITH:</p> <p>3 Q. And you testified that you had enough</p> <p>4 knowledge of their positions at that time to make</p> <p>5 a decision regarding their reasonable</p> <p>6 accommodation requests?</p> <p>7 A. Yes.</p> <p>8 MS. SMITH: I'm going to mark as</p> <p>9 929 -- I'm going to mark, I'm sorry, as 153 Zula</p> <p>10 929.</p> <p>11 - - -</p> <p>12 (Zula 929 marked as Exhibit-153 for</p> <p>13 identification.)</p> <p>14 - - -</p> <p>15 BY MS. SMITH:</p> <p>16 Q. Do you recognize this e-mail, Ms. Zula?</p> <p>17 A. Yes.</p> <p>18 Q. It states we recently received requests</p> <p>19 for accommodation -- I'm sorry, it's on April 7th,</p> <p>20 2021.</p> <p>21 You would agree that's after February</p> <p>22 and March of 2021, correct?</p> <p>23 A. Yes.</p> <p>24 Q. It states we recently received requests</p>
<p>Page 479</p> <p>1 THE WITNESS: Potentially, yes.</p> <p>2 BY MS. SMITH:</p> <p>3 Q. So if you didn't have all the</p> <p>4 information, why didn't conduct an investigation</p> <p>5 to gather all of the information?</p> <p>6 MS. PIPAK: Object to the form.</p> <p>7 You can answer.</p> <p>8 THE WITNESS: I didn't believe it</p> <p>9 was necessary.</p> <p>10 BY MS. SMITH:</p> <p>11 Q. Again why didn't you think it was</p> <p>12 necessary?</p> <p>13 A. I didn't. I don't know.</p> <p>14 Q. Ms. Zula, do you recall testifying</p> <p>15 yesterday that when Jane Doe 2 and Jane Doe 1's</p> <p>16 requests from home -- were reasonable</p> <p>17 accommodation requests, because they were kind of</p> <p>18 hybrid requests came in in February and early</p> <p>19 March, that you used the medical documentation</p> <p>20 submitted and your knowledge of their job</p> <p>21 positions to make a decision regarding those?</p> <p>22 MS. PIPAK: I'll object to the</p> <p>23 form. But you can answer.</p> <p>24 THE WITNESS: Yes, I believe that's</p>	<p>Page 481</p> <p>1 for accommodation from Jane Doe 1 and Jane Doe 2</p> <p>2 requesting to work from home primarily. I am not</p> <p>3 very familiar with how the duties of their</p> <p>4 positions are completed to know whether or not we</p> <p>5 can reasonably accommodate their work -- their</p> <p>6 requests.</p> <p>7 How is it you had enough information in</p> <p>8 February and March to make determinations when</p> <p>9 they were supervised by Jane Doe 3 and Jane Doe 4,</p> <p>10 but under Mr. Alu you didn't have enough</p> <p>11 information and requested his input?</p> <p>12 A. I don't know. I don't recall.</p> <p>13 Q. But you did seek Mr. Alu's input on this</p> <p>14 request, didn't you?</p> <p>15 A. He actually came to us to talk about</p> <p>16 wanting to work -- having them work from home as</p> <p>17 well. Yes, he did.</p> <p>18 Q. Well, Jane Doe 3 came to you and</p> <p>19 requested for them to work from home, correct?</p> <p>20 A. Yes.</p> <p>21 Q. Jane Doe 3 asked to be involved in those</p> <p>22 reasonable accommodation request considerations,</p> <p>23 didn't she?</p> <p>24 MS. PIPAK: Object to the form.</p>

<p>1 You can answer.</p> <p>2 THE WITNESS: Yes.</p> <p>3 BY MS. SMITH:</p> <p>4 Q. Why then was Mr. Alu treated differently</p> <p>5 than Jane Doe 3?</p> <p>6 A. Because he asked --</p> <p>7 MS. PIPAK: Object to the form.</p> <p>8 THE WITNESS: Sorry.</p> <p>9 MS. PIPAK: You can answer.</p> <p>10 THE WITNESS: Because he had fresh</p> <p>11 eyes coming into the office and we wanted to get</p> <p>12 his thoughts on the process.</p> <p>13 BY MS. SMITH:</p> <p>14 Q. The next sentence says I would like to</p> <p>15 review their job descriptions with you so I can</p> <p>16 understand what is required of each task.</p> <p>17 Why didn't you do that with Jane Doe 3?</p> <p>18 A. I don't know.</p> <p>19 Q. Did someone tell you not to do it with</p> <p>20 Jane Doe 3?</p> <p>21 A. Not that I can recall.</p> <p>22 Q. Mr. Bender never told you it doesn't</p> <p>23 matter, just deny it?</p> <p>24 MS. PIPAK: Object to the form.</p>	<p>Page 482</p> <p>1 BY MS. SMITH:</p> <p>2 Q. So you yourself never observed or have</p> <p>3 knowledge of Mr. Bender ever reviewing the medical</p> <p>4 documentation provided by Jane Doe 2 and Jane Doe</p> <p>5 1's doctors?</p> <p>6 A. No, I do not.</p> <p>7 MS. SMITH: I'm going to mark Zula</p> <p>8 1116 as 154.</p> <p>9 - - -</p> <p>10 (Zula 1116 marked as Exhibit-154 for</p> <p>11 identification.)</p> <p>12 - - -</p> <p>13 BY MS. SMITH:</p> <p>14 Q. Do you recognize this e-mail, Ms. Zula?</p> <p>15 A. Yes.</p> <p>16 Q. This is -- well, the top one is an</p> <p>17 e-mail from -- sorry. The bottom e-mail is an</p> <p>18 e-mail from you to Mr. Alu. In the second</p> <p>19 sentence, on April 30th, 2021 you say, yes, we can</p> <p>20 approve Jane Doe 1 and Jane Doe 2 to work from</p> <p>21 home based upon the documentation provided by</p> <p>22 their doctors.</p> <p>23 What changed from March of 2021 and</p> <p>24 April of 2021 that they could now all of a sudden</p>
<p>Page 483</p> <p>1 You can answer.</p> <p>2 THE WITNESS: No.</p> <p>3 Well, let me clarify. I think I</p> <p>4 testified to this. That he told me, yes, that we</p> <p>5 are going to deny their requests to work from</p> <p>6 home. He did not tell me not to talk to Jane Doe</p> <p>7 3.</p> <p>8 BY MS. SMITH:</p> <p>9 Q. Do you know if prior to Mr. Bender</p> <p>10 telling you to deny their work -- request to work</p> <p>11 from home, this is Jane Doe 2 and Jane Doe 1's</p> <p>12 request to work from home, correct?</p> <p>13 A. Yes.</p> <p>14 Q. I just want to make the record clear.</p> <p>15 Sometimes we have to read these back later on and</p> <p>16 it makes it easier if we delineate that.</p> <p>17 Prior to Mr. Bender telling you that, do</p> <p>18 you know, did he ever review Jane Doe 1 or Jane</p> <p>19 Doe 2's medical provider's information?</p> <p>20 MS. PIPAK: Object to the form.</p> <p>21 THE WITNESS: I did not provide it</p> <p>22 to him, so I'm not certain. We had a discussion</p> <p>23 regarding some of the information in it, but I</p> <p>24 didn't share the document with him.</p>	<p>Page 485</p> <p>1 work from home?</p> <p>2 A. Well, that was my initial determination</p> <p>3 after my discussions with Mr. Alu and put -- he</p> <p>4 indicated we can put clear parameters in place as</p> <p>5 to what exactly they needed to do. But ultimately</p> <p>6 that was turned down and I was not able to offer</p> <p>7 that to them.</p> <p>8 Q. Okay.</p> <p>9 Because they had -- this was actually</p> <p>10 never communicated to --</p> <p>11 A. No, no.</p> <p>12 Q. -- Jane Doe 2 --</p> <p>13 A. Because it was turned down.</p> <p>14 Q. Hold on.</p> <p>15 A. Oh, I'm sorry.</p> <p>16 Q. -- Jane Doe 2 and Jane Doe 1, correct?</p> <p>17 A. That is correct. It was turned down.</p> <p>18 Q. Who turned it down.</p> <p>19 A. Mr. Bender told me it would not be</p> <p>20 permissible for them to work from home.</p> <p>21 Q. Ms. Zula, do you remember testifying</p> <p>22 yesterday that part of the reason the</p> <p>23 February/March work from home requests were turned</p> <p>24 down was because of their work product?</p>

<p>Page 486</p> <p>1 A. Yes.</p> <p>2 Q. And part of that was Jane Doe 1's STEB</p> <p>3 Report delinquency, correct?</p> <p>4 A. Yes.</p> <p>5 Q. That STEB delinquency led to Jane Doe</p> <p>6 3's -- partially, at least, led to Jane Doe 3's</p> <p>7 demotion, correct?</p> <p>8 A. Yes.</p> <p>9 Q. The STEB Reports and Jane Doe 1's</p> <p>10 attendance issues were still occurring between</p> <p>11 March 17th, 2021 and April 30, 2021, correct?</p> <p>12 A. I believe so, yes.</p> <p>13 Q. Why then did your opinion change</p> <p>14 regarding the recommendation of approval or</p> <p>15 non-approval of her work from home request?</p> <p>16 A. Because I believe that Mr. Alu would</p> <p>17 hold Jane Doe 1 accountable, where Jane Doe 3 was</p> <p>18 not.</p> <p>19 Q. What did you think he was going to do to</p> <p>20 hold her accountable?</p> <p>21 A. That he was going to monitor her work</p> <p>22 and her work product, and that she actually</p> <p>23 submitted work. Where based upon the information</p> <p>24 that I had from Jane Doe 3's situation, she was</p>	<p>Page 488</p> <p>1 Would you agree?</p> <p>2 MS. PIPAK: Object to the form.</p> <p>3 You can answer.</p> <p>4 THE WITNESS: Well, potentially she</p> <p>5 gave direction. I don't know. I didn't ask that</p> <p>6 question. But it was evident that she didn't come</p> <p>7 to us to address Jane Doe 1's deficiencies in her</p> <p>8 performance.</p> <p>9 BY MS. SMITH:</p> <p>10 Q. And in April of -- April 30th, 2021 what</p> <p>11 was Mr. Bender's reason for the denial of your</p> <p>12 recommended approval of these work from home</p> <p>13 requests?</p> <p>14 A. I don't recall.</p> <p>15 Q. Do you recall if he gave one and you</p> <p>16 don't remember? Or --</p> <p>17 A. I don't recall.</p> <p>18 Q. Was it ever communicated to Jane Doe 2</p> <p>19 and Jane Doe 1 that this reasonable accommodation</p> <p>20 request that you and Mr. Alu were communicating</p> <p>21 about had been denied?</p> <p>22 A. I don't remember.</p> <p>23 MS. SMITH: I'm going to mark as</p> <p>24 155 Ms. Zula 1217 and 1218.</p>
<p>Page 487</p> <p>1 not. Because it was clear Jane Doe 1 was not</p> <p>2 turning in her work.</p> <p>3 Q. What was Mr. Alu, in your opinion, going</p> <p>4 to be able to do differently?</p> <p>5 A. That there was going to be expectations</p> <p>6 and specific directions given as to what they were</p> <p>7 to be doing during their workday.</p> <p>8 Q. Did you ever ask Jane Doe 3 if she had</p> <p>9 given a specific direction to Jane Doe 1 who then</p> <p>10 maybe didn't follow them?</p> <p>11 A. No, I did not ask her that question.</p> <p>12 Q. How do you know that -- did you ever ask</p> <p>13 Jane Doe 1 if she been given specific directions</p> <p>14 and had just not followed them?</p> <p>15 A. No.</p> <p>16 Q. How did you know that specific</p> <p>17 instructions hadn't been given then?</p> <p>18 A. Because Jane Doe 3 never came to us to</p> <p>19 address the situation with Jane Doe 1. She just</p> <p>20 basically allowed her to do whatever she did, and</p> <p>21 it's clear the STEB Reports weren't submitted in a</p> <p>22 timely manner.</p> <p>23 Q. Not coming to you is different than not</p> <p>24 having given direction.</p>	<p>Page 489</p> <p>1 - - -</p> <p>2 (Zula 1217-1218 marked as Exhibit-155</p> <p>3 for identification.)</p> <p>4 - - -</p> <p>5 BY MS. SMITH:</p> <p>6 Q. Do you recognize this e-mail chain, Ms.</p> <p>7 Zula?</p> <p>8 A. Yes.</p> <p>9 Q. On May 12, 2021, Jane Doe 1 sent Mr. Alu</p> <p>10 an e-mail that eventually that you're looped into.</p> <p>11 Would you agree?</p> <p>12 A. Yes.</p> <p>13 Q. And if we looked at page 2 of this</p> <p>14 document, which is that e-mail, she says last but</p> <p>15 not least, where do you stand with the reasonable</p> <p>16 accommodation request? I've been told for months</p> <p>17 now that this is in negotiation. I would</p> <p>18 appreciate an answer from you and the county so I</p> <p>19 can gain more structure stability with my</p> <p>20 employment status.</p> <p>21 Did anybody ever tell Jane Doe 1 it was</p> <p>22 denied?</p> <p>23 MS. PIPAK: Object to the form. Go</p> <p>24 ahead.</p>

<p>Page 490</p> <p>1 THE WITNESS: I don't -- I don't</p> <p>2 recall. I don't know.</p> <p>3 BY MS. SMITH:</p> <p>4 Q. Did you ever, after reading this chain</p> <p>5 of e-mails, reach out to Jane Doe 1 and say, I'm</p> <p>6 sorry, but it's denied?</p> <p>7 A. I don't recall.</p> <p>8 MS. SMITH: If we can take just a</p> <p>9 quick bathroom break.</p> <p>10 VIDEOGRAPHER: Time is now</p> <p>11 10:46 a.m. We're going off the record.</p> <p>12 - - -</p> <p>13 (Whereupon, brief recess was held off</p> <p>14 the record.)</p> <p>15 - - -</p> <p>16 VIDEOGRAPHER: The time is now</p> <p>17 11:04 a.m. and we're back on the record.</p> <p>18 BY MS. SMITH:</p> <p>19 Q. I'm going to direct your attention to</p> <p>20 what was previously marked as Exhibit-121?</p> <p>21 MS. IPPOLITO: I'm sorry, what was</p> <p>22 that?</p> <p>23 MS. SMITH: 121.</p> <p>24 MS. DEBISE: It's SC633.</p>	<p>Page 492</p> <p>1 the record.)</p> <p>2 - - -</p> <p>3 VIDEOGRAPHER: Time is now</p> <p>4 11:07 a.m. and we're back on the record.</p> <p>5 BY MS. SMITH:</p> <p>6 Q. Sorry about that, Ms. Zula.</p> <p>7 At the bottom of this exhibit there's</p> <p>8 human resources review and there are some initial</p> <p>9 there.</p> <p>10 Do you see that?</p> <p>11 A. Yes.</p> <p>12 Q. Are those your initials?</p> <p>13 A. Yes.</p> <p>14 Q. Prior to initialing this par, did you</p> <p>15 receive and review any employment application or</p> <p>16 resume or similar document for Mr. Hatter?</p> <p>17 A. Yes.</p> <p>18 Q. Do you recall which?</p> <p>19 A. I believe he submitted a resume.</p> <p>20 Q. You can put that one back aside. It</p> <p>21 doesn't have to be in order. We can figure that</p> <p>22 out later.</p> <p>23 MS. SMITH: I'm going to mark as</p> <p>24 156, it's -- it should be SC634.</p>
<p>Page 491</p> <p>1 BY MS. SMITH:</p> <p>2 Q. Mr. Hatter, Ken Hatter, was appointed to</p> <p>3 chief assessor for the county on May 12th, 2021,</p> <p>4 correct?</p> <p>5 A. May 24th, 2021.</p> <p>6 Q. His position was approved on May 12th by</p> <p>7 the commissioners, and his start date was</p> <p>8 May 24th, 2021, correct?</p> <p>9 A. Yes.</p> <p>10 Q. I'm sorry, I apologize if we did go over</p> <p>11 this.</p> <p>12 But who decided Mr. Hatter's salary of</p> <p>13 51,420?</p> <p>14 A. It was a discussion between myself and</p> <p>15 Mr. Bender, and ultimately he provided me with the</p> <p>16 final direction as to what salary to offer</p> <p>17 Mr. Hatter.</p> <p>18 Q. He being Mr. Bender, correct?</p> <p>19 MS. SMITH: Can we go off the</p> <p>20 record.</p> <p>21 VIDEOGRAPHER: The time is 11:05.</p> <p>22 Going off the record.</p> <p>23 - - -</p> <p>24 (Whereupon, brief recess was held off</p>	<p>Page 493</p> <p>1 - - -</p> <p>2 (SC634 marked as Exhibit-156 for</p> <p>3 identification.)</p> <p>4 - - -</p> <p>5 BY MS. SMITH:</p> <p>6 Q. Ms. Zula, is this, if you recall, the</p> <p>7 resume that you reviewed of Mr. Hatter?</p> <p>8 A. Yes.</p> <p>9 Q. Other than this resume prior to</p> <p>10 initialing the par that we just looked at for</p> <p>11 Mr. Hatter, which is Exhibit-121, did you review</p> <p>12 any other documentation with regard to his</p> <p>13 experience?</p> <p>14 A. I don't believe so. I don't recall.</p> <p>15 Q. Okay.</p> <p>16 And after Mr. Hatter's employment was</p> <p>17 approved by the commissioners and salary board as</p> <p>18 we saw on Exhibit-131, do you know, was Mr. Hatter</p> <p>19 provided with county policies for review and</p> <p>20 acknowledgment?</p> <p>21 A. Yes, I believe he would have been as a</p> <p>22 new employee.</p> <p>23 Q. Do you know if you did that?</p> <p>24 A. No, I did not.</p>



<p style="text-align: right;">Page 494</p> <p>1 MS. SMITH: I'm going to mark as</p> <p>2 157 SC618.</p> <p>3 - - -</p> <p>4 (SC618 marked as Exhibit-157 for</p> <p>5 identification.)</p> <p>6 - - -</p> <p>7 BY MS. SMITH:</p> <p>8 Q. Ms. Zula, do you recognize this</p> <p>9 document?</p> <p>10 A. I recognize the form, yes.</p> <p>11 Q. Okay.</p> <p>12 I think we looked at one of these for</p> <p>13 you. It's the county's Job Description</p> <p>14 Acknowledgment Form.</p> <p>15 Would you agree?</p> <p>16 A. Yes.</p> <p>17 Q. Any reason to believe that Mr. Hatter</p> <p>18 did not -- well, print and -- I guess technically</p> <p>19 it says it's his signature -- and sign this</p> <p>20 document?</p> <p>21 A. Yes. No, no reason to believe</p> <p>22 otherwise.</p> <p>23 Q. And before someone can start their</p> <p>24 position with the county, are they required to</p>	<p style="text-align: right;">Page 496</p> <p>1 BY MS. SMITH:</p> <p>2 Q. And if they, based on discussion, they</p> <p>3 still couldn't perform the duties, what would be</p> <p>4 done?</p> <p>5 MS. PIPAK: Object to the form.</p> <p>6 THE WITNESS: Then we would make a</p> <p>7 determination as to whether or not the employee</p> <p>8 could stay in the position.</p> <p>9 MS. SMITH: I'm going mark as 158</p> <p>10 SC 619 and 620.</p> <p>11 - - -</p> <p>12 (SC619-620 marked as Exhibit-158 for</p> <p>13 identification.)</p> <p>14 - - -</p> <p>15 BY MS. SMITH:</p> <p>16 Q. Ms. Zula, do you recognize this</p> <p>17 document?</p> <p>18 A. Yes.</p> <p>19 Q. This is Schuylkill County's Job</p> <p>20 Classification Description for the position of</p> <p>21 chief assessor, correct?</p> <p>22 A. Yes.</p> <p>23 Q. And is this the job classification that</p> <p>24 Mr. Hatter would have received?</p>
<p style="text-align: right;">Page 495</p> <p>1 acknowledge that they understand the essential job</p> <p>2 duties and responsibilities required and confirm</p> <p>3 that I'm qualified to perform them?</p> <p>4 A. Yes.</p> <p>5 Q. If they wouldn't acknowledge that or</p> <p>6 couldn't perform the duties, they wouldn't be</p> <p>7 permitted to start with the county, correct?</p> <p>8 A. I would assume so, yes.</p> <p>9 Q. Well, as HR director if -- let's strike</p> <p>10 that.</p> <p>11 Let's start with: Who gives this to a</p> <p>12 new employee? Someone in HR?</p> <p>13 A. Yes.</p> <p>14 Q. Okay.</p> <p>15 And what position in HR?</p> <p>16 A. The administrative assistant.</p> <p>17 Q. If the administrative assistant came to</p> <p>18 you and said, hey, this new applicant or new hire</p> <p>19 has said that they can't perform the duties, what</p> <p>20 if anything would you do as HR director?</p> <p>21 MS. PIPAK: Object to the form.</p> <p>22 You can answer.</p> <p>23 THE WITNESS: I would contact the</p> <p>24 employee and have a discussion.</p>	<p style="text-align: right;">Page 497</p> <p>1 A. Yes.</p> <p>2 Q. If we look towards the bottom of the</p> <p>3 education employment paragraph, the last sentence</p> <p>4 states must have certified Pennsylvania</p> <p>5 evaluator's license.</p> <p>6 Do you see that?</p> <p>7 A. Yes.</p> <p>8 Q. Is there anything about that that is</p> <p>9 open to interpretation?</p> <p>10 A. No.</p> <p>11 Q. If we look back at Mr. Hatter's resume,</p> <p>12 I think it was 156, is there anything in</p> <p>13 Mr. Hatter's resume that indicates that he held a</p> <p>14 certified Pennsylvania Evaluators License?</p> <p>15 A. No.</p> <p>16 Q. In fact, I think you testified yesterday</p> <p>17 he didn't hold one.</p> <p>18 A. That's correct.</p> <p>19 Q. So how is it that he was able to</p> <p>20 indicate that he was qualified to perform the</p> <p>21 essential job duties?</p> <p>22 A. We allowed Mr. Hatter time to earn the</p> <p>23 license, as we discussed yesterday. Unless you've</p> <p>24 worked for a previous county, typically that's not</p>

<p style="text-align: right;">Page 498</p> <p>1 a certification that's held by individuals.</p> <p>2 Q. But the job description says must,</p> <p>3 correct?</p> <p>4 A. Yes, that's what the job description</p> <p>5 says. However, we allowed him time to obtain his</p> <p>6 license.</p> <p>7 Q. Who is we?</p> <p>8 A. Mr. Bender and I.</p> <p>9 Q. Are you aware that there is a</p> <p>10 Pennsylvania statute that requires chief assessors</p> <p>11 to hold a valid CPE licensed?</p> <p>12 MS. PIPAK: Objection. You can</p> <p>13 answer.</p> <p>14 THE WITNESS: I believe that's a</p> <p>15 requirement, yes. I don't know -- I'm not</p> <p>16 familiar with the actual statute.</p> <p>17 BY MS. SMITH:</p> <p>18 Q. You're not familiar with the number or</p> <p>19 you're not familiar with the fact that there's a</p> <p>20 statute that requires it?</p> <p>21 A. I believe there is a statute that</p> <p>22 requires it. I'm not familiar with the number or</p> <p>23 the citation or exactly what it says. But, yes,</p> <p>24 that position does require a CPE license to sign</p>	<p style="text-align: right;">Page 500</p> <p>1 understanding, yes.</p> <p>2 Q. So you understood it was essentially a</p> <p>3 law?</p> <p>4 A. Yes.</p> <p>5 Q. Why did you think that you could allow</p> <p>6 Mr. Hatter to not hold a CPE license and violate a</p> <p>7 law?</p> <p>8 MS. PIPAK: Object to the form.</p> <p>9 THE WITNESS: We believed that we</p> <p>10 could allow Mr. Hatter to -- time to obtain that</p> <p>11 certification base on Mr. Alu still being with the</p> <p>12 county.</p> <p>13 BY MS. SMITH:</p> <p>14 Q. So Mr. Alu at all times that Mr. Hatter</p> <p>15 was a chief assessor was still with the county?</p> <p>16 A. Yes. Well, he was with the county when</p> <p>17 Mr. Hatter started, yes.</p> <p>18 Q. Okay.</p> <p>19 And again who was the we you thought</p> <p>20 that you could allow Mr. Hatter not to hold a CPE</p> <p>21 license?</p> <p>22 A. Mr. Bender and I discussed it when we</p> <p>23 did the interviews that none of the candidates had</p> <p>24 a CPE license, and that we would have to go</p>
<p style="text-align: right;">Page 499</p> <p>1 off on the values.</p> <p>2 Q. Were you aware of the existence of a</p> <p>3 statute in March of 2021?</p> <p>4 A. What statute?</p> <p>5 Q. Well, you said you were aware that there</p> <p>6 was a statute, right?</p> <p>7 A. Yes, I was -- I'm aware that there is a</p> <p>8 requirement that the CP -- the chief assessor</p> <p>9 needs to hold a CPE license, yes.</p> <p>10 Q. In March of 2021 did you understand</p> <p>11 that?</p> <p>12 A. Yes.</p> <p>13 Q. What was your understanding of where</p> <p>14 that requirement came from?</p> <p>15 MS. PIPAK: Object to the form. I</p> <p>16 just didn't understand the question.</p> <p>17 BY MS. SMITH:</p> <p>18 Q. Was it your understanding that it was a</p> <p>19 county requirement? That it was a state</p> <p>20 regulation or statute requirement? That it was</p> <p>21 just something that the job description stated?</p> <p>22 Like what was your understanding of who said that</p> <p>23 that position had to hold a CPE license?</p> <p>24 A. It was a state requirement was my</p>	<p style="text-align: right;">Page 501</p> <p>1 through the process to get to, whoever the</p> <p>2 selected candidate was, the CPE license.</p> <p>3 Q. Was there any talk about bringing Jane</p> <p>4 Doe 3 back since she had CPE license?</p> <p>5 A. No.</p> <p>6 Q. Did you think to consider her?</p> <p>7 MS. PIPAK: Object to the form.</p> <p>8 You can answer.</p> <p>9 THE WITNESS: She didn't apply for</p> <p>10 the position.</p> <p>11 MS. SMITH: Zula 2522, which I'll</p> <p>12 mark as 159.</p> <p>13 - - -</p> <p>14 (Zula 2522 marked as Exhibit-159 for</p> <p>15 identification.)</p> <p>16 - - -</p> <p>17 BY MS. SMITH:</p> <p>18 Q. Ms. Zula, do you recognize this</p> <p>19 document?</p> <p>20 A. Yes.</p> <p>21 Q. And this is -- the first e-mail in this</p> <p>22 chain of e-mails from Jane Doe 2 to you on</p> <p>23 June 1st, 2021 correct?</p> <p>24 A. Yes.</p>

<p style="text-align: right;">Page 502</p> <p>1 Q. The second sentence -- well, the first</p> <p>2 paragraph states this morning my supervisor</p> <p>3 Mr. Hatter requested I report to the courthouse.</p> <p>4 As such, I'm writing for clarification on the</p> <p>5 status of my reasonable accommodation request</p> <p>6 status. As you know, I previously submitted a</p> <p>7 reasonable accommodation request to work from</p> <p>8 home. The last correspondence I received in</p> <p>9 regard to said request was an e-mail from you</p> <p>10 dated March 3rd of 2021.</p> <p>11 Do you have any reason to believe that</p> <p>12 between March of 2021 and June of -- June 1st of</p> <p>13 2021, you communicated with Jane Doe 2 regarding</p> <p>14 her work from home accommodation request?</p> <p>15 A. I believe I had yes.</p> <p>16 Q. When did you do that?</p> <p>17 A. I don't recall.</p> <p>18 Q. How many times?</p> <p>19 A. I don't recall.</p> <p>20 Q. Did you respond to Jane Doe 2's June 1st</p> <p>21 e-mail?</p> <p>22 A. I don't remember.</p> <p>23 Q. On June 8th at the top of this document</p> <p>24 Jane Doe 2 says, hi, just following up. Do you</p>	<p style="text-align: right;">Page 504</p> <p>1 BY MS. SMITH:</p> <p>2 Q. Any reason that between the denial by</p> <p>3 Mr. Bender and June 1st you hadn't communicated</p> <p>4 the denial to Jane Doe 2?</p> <p>5 MS. PIPAK: Object to the form. Go</p> <p>6 ahead.</p> <p>7 THE WITNESS: I don't recall if I</p> <p>8 did or I didn't.</p> <p>9 BY MS. SMITH:</p> <p>10 Q. Well, she states the last correspondence</p> <p>11 was March 3rd, 2021. I think you testified to it</p> <p>12 earlier that you didn't communicate the denial.</p> <p>13 A. Yeah. And apparently I didn't. I</p> <p>14 didn't, I guess.</p> <p>15 Q. Okay.</p> <p>16 A. I don't recall if I did or I didn't.</p> <p>17 Q. Okay.</p> <p>18 But is there any reason that you have to</p> <p>19 believe that Jane Doe 2 wasn't indicating the</p> <p>20 truth in her e-mail?</p> <p>21 MS. PIPAK: Object to the form.</p> <p>22 THE WITNESS: No.</p> <p>23 BY MS. SMITH:</p> <p>24 Q. Okay.</p>
<p style="text-align: right;">Page 503</p> <p>1 know when this will be reviewed/considered.</p> <p>2 Any reason to believe you did, in fact,</p> <p>3 respond to Jane Doe 2 during that seven-day</p> <p>4 period?</p> <p>5 A. Apparently I did not.</p> <p>6 Q. Any reason that if Jane Doe 2 said you</p> <p>7 last -- the last communication she received from</p> <p>8 was March 3rd, 2021 that she was incorrect?</p> <p>9 MS. PIPAK: Object to the form.</p> <p>10 You can answer.</p> <p>11 THE WITNESS: I don't recall. If</p> <p>12 she said I didn't, then apparently maybe I didn't.</p> <p>13 I don't really remember.</p> <p>14 BY MS. SMITH:</p> <p>15 Q. Do you recall looking, before the break</p> <p>16 I think, at the April 30th e-mail regarding</p> <p>17 Mr. Alu, between you and Mr. Alu about the</p> <p>18 potential approval to approve Jane Doe 2 to work</p> <p>19 from home?</p> <p>20 A. Yes.</p> <p>21 Q. And then you said eventually it was</p> <p>22 denied by Mr. Bender, correct?</p> <p>23 A. Yes.</p> <p>24 MS. PIPAK: Object to the form.</p>	<p style="text-align: right;">Page 505</p> <p>1 Is there any reason why you wouldn't</p> <p>2 have communicated the denial to Jane Doe 2?</p> <p>3 A. No specific reason, no.</p> <p>4 Q. Is it typical that the county</p> <p>5 communicates denial of reasonable accommodation</p> <p>6 requests to employees?</p> <p>7 A. Yes. I would say that we would.</p> <p>8 Q. Is it typical, because the interactive</p> <p>9 process may be if you're denied to work from home,</p> <p>10 there might be something else in the interactive</p> <p>11 process that could then be discovered to work for</p> <p>12 all parties involved?</p> <p>13 MS. PIPAK: Object to the form.</p> <p>14 THE WITNESS: Yes, there's a</p> <p>15 potential.</p> <p>16 BY MS. SMITH:</p> <p>17 Q. So after the denial was there ever an</p> <p>18 engagement in an interactive process with Jane Doe</p> <p>19 2?</p> <p>20 MS. PIPAK: Object to the form.</p> <p>21 THE WITNESS: No.</p> <p>22 BY MS. SMITH:</p> <p>23 Q. After you were hired by the county at</p> <p>24 any point, did you engage in or assist in the</p>



<p style="text-align: right;">Page 506</p> <p>1 preparation of an EEOC position statement?</p> <p>2 A. I don't remember. I know I had to</p> <p>3 provide documents. I don't know -- I don't</p> <p>4 believe I reviewed any position statements. I</p> <p>5 don't recall that. I know I had to provide</p> <p>6 documentation.</p> <p>7 Q. Okay. But you don't --</p> <p>8 A. I don't know what it was for though. I</p> <p>9 don't exactly know if it was for an EEOC or for</p> <p>10 the loss. I don't know. I was just told or asked</p> <p>11 here, I need this information, this is what I</p> <p>12 needed, and that's what I provided.</p> <p>13 Q. Okay.</p> <p>14 Did you ever, if you know, review</p> <p>15 anything for factual accuracy prior to it being</p> <p>16 submitted to the EEOC?</p> <p>17 MS. PIPAK: I'm going to object to</p> <p>18 the form to the extent this involves conversations</p> <p>19 you had with counsel or any attorney.</p> <p>20 THE WITNESS: I don't know how to</p> <p>21 answer that.</p> <p>22 BY MS. SMITH:</p> <p>23 Q. I'm sorry, your answer is you don't</p> <p>24 know?</p>	<p style="text-align: right;">Page 508</p> <p>1 Q. But between January of -- your start</p> <p>2 date January 11, 2021 and May 6, 2021, Jane Doe 2</p> <p>3 was not approved to work from home, correct?</p> <p>4 A. No, she was not.</p> <p>5 Q. So if the county's position statement</p> <p>6 indicates that she was, it would be incorrect?</p> <p>7 MS. PIPAK: Object to the form.</p> <p>8 THE WITNESS: I don't know what</p> <p>9 this position statement is in response to. I</p> <p>10 don't know. But if it's referring to working from</p> <p>11 home between January and May of 2021, no, then</p> <p>12 that would not be accurate as she was not</p> <p>13 permitted to work from home.</p> <p>14 BY MS. SMITH:</p> <p>15 MS. SMITH: Okay. I'm going to</p> <p>16 mark 2640 as 160.</p> <p>17 - - -</p> <p>18 (Zula 2640 marked as Exhibit-160 for</p> <p>19 identification.)</p> <p>20 - - -</p> <p>21 BY MS. SMITH:</p> <p>22 Q. Do you recognize this e-mail chain?</p> <p>23 A. Yes.</p> <p>24 Q. Jane Doe 1 at the bottom on July 12,</p>
<p style="text-align: right;">Page 507</p> <p>1 A. I don't recall reviewing any kind of</p> <p>2 position statement until just recently.</p> <p>3 Q. To one that was already prepared. Not</p> <p>4 for editing purposes?</p> <p>5 A. Yes.</p> <p>6 Q. Okay.</p> <p>7 A. No.</p> <p>8 Q. In the last paragraph, on the paragraph</p> <p>9 on the first page, it states -- oh, I'm sorry.</p> <p>10 It's the -- it's not even a full paragraph. It's</p> <p>11 the one sentence that runs onto the next page.</p> <p>12 Additionally Schuylkill County's position</p> <p>13 statement dated May 6th, 2021 in response to my</p> <p>14 supplemental EEOC charge of discrimination states</p> <p>15 on page 4 Schuylkill County has accommodated me to</p> <p>16 allow me to work from home as to further ensure I</p> <p>17 do not come into contact with Respondent</p> <p>18 Halcovage.</p> <p>19 In May of 2021 Jane Doe 2 has not been</p> <p>20 approved to work from home, correct?</p> <p>21 A. She was approved prior. She worked from</p> <p>22 home I believe in 2020. I don't know what that</p> <p>23 statement is in response to in the EEOC charge. I</p> <p>24 don't know.</p>	<p style="text-align: right;">Page 509</p> <p>1 2021 sends you an e-mail, as well as her</p> <p>2 supervisors, asking permission to work from home</p> <p>3 the rest of today, being July 12, and possibly</p> <p>4 tomorrow July 13, due to a health concern. She</p> <p>5 says Chrissy and Ken are aware of my -- of the</p> <p>6 issue. My condition requires me to keep my foot</p> <p>7 elevated and soak several times throughout the --</p> <p>8 there's not the second page.</p> <p>9 But did you receive that e-mail from</p> <p>10 Jane Doe 1?</p> <p>11 A. Yes.</p> <p>12 Q. You don't respond to Jane Doe 1 that</p> <p>13 same day, do you?</p> <p>14 A. No, I did not.</p> <p>15 Q. Do you know why you didn't respond to</p> <p>16 her?</p> <p>17 A. I don't know. I don't know if I was out</p> <p>18 of the office or not.</p> <p>19 Q. You don't know that you were, correct?</p> <p>20 A. I don't recall.</p> <p>21 Q. Okay. On Tuesday, July 13, you do</p> <p>22 respond to Mr. Hatter at 8:42 a.m. and say did you</p> <p>23 touch base with Jane Doe 1 regarding her request?</p> <p>24 I just want to be sure before I respond back to</p>

<p>1 her.</p> <p>2 I take this to mean had Mr. Hatter</p> <p>3 responded to her and dealt with it you wouldn't</p> <p>4 have needed to get involved, correct?</p> <p>5 A. Yes.</p> <p>6 Q. So Mr. Hatter could have approved Jane</p> <p>7 Doe 1's work from home request in this e-mail?</p> <p>8 MS. PIPAK: Object to the form. Go</p> <p>9 ahead.</p> <p>10 THE WITNESS: Yes, that particular</p> <p>11 day. Yes, on that day he could have allowed her</p> <p>12 to work from home potentially, yes.</p> <p>13 BY MS. SMITH:</p> <p>14 Q. The rest of the day on the 12th and the</p> <p>15 day on the 13th?</p> <p>16 A. Potentially.</p> <p>17 Q. Without HR's approval?</p> <p>18 A. Potentially.</p> <p>19 Q. What do you mean potentially? Could he</p> <p>20 or could --</p> <p>21 A. On that limited basis, yes. I mean I</p> <p>22 don't know what the rest of the e-mail said. But</p> <p>23 he dealt with the situation, so I didn't get</p> <p>24 involved because her foot was better and she</p>	<p>Page 510</p> <p>1 Q. Right. You couldn't make Jane Doe 1</p> <p>2 unwork from --</p> <p>3 A. Yes, --</p> <p>4 Q. -- home the day before?</p> <p>5 A. -- exactly. So I don't know what he</p> <p>6 did. So potentially he could have approved in my</p> <p>7 absence. I don't know if he would have went to</p> <p>8 Gary Bender. But the process is that they</p> <p>9 typically need to come through HR and</p> <p>10 administration prior to approving work from home.</p> <p>11 Q. Do you know, did he approve Jane Doe 1</p> <p>12 to work from home the rest of the 12th?</p> <p>13 A. I don't know.</p> <p>14 Q. Did you ever ask him if he did?</p> <p>15 A. I don't recall if I did or I didn't. I</p> <p>16 don't believe she did from what I can recall. I</p> <p>17 think she stayed in the office and then she came</p> <p>18 back to work the next day and informed him that</p> <p>19 her foot was better.</p> <p>20 Q. Did you ever speak with Mr. Bender to</p> <p>21 see if he had approved Mr. Hatter approving Jane</p> <p>22 Doe 1 working from home?</p> <p>23 A. No, I did not.</p> <p>24 Q. Any disciplinary action taken against</p>
<p>1 returned to work.</p> <p>2 Q. But would he have been permitted to</p> <p>3 allow her to work from home as she requested that</p> <p>4 day and the next day?</p> <p>5 MS. PIPAK: Object to the form.</p> <p>6 You can answer.</p> <p>7 THE WITNESS: Not in and of it --</p> <p>8 wait. He would have probably allowed her to do</p> <p>9 that just for that day, yes.</p> <p>10 BY MS. SMITH:</p> <p>11 Q. Okay.</p> <p>12 But I'm asking a specific question.</p> <p>13 Jane Doe 1 says can I work from home the rest of</p> <p>14 today and possibly tomorrow? Could Mr. Hatter,</p> <p>15 without talking to HR, have approved her work from</p> <p>16 home for the rest of the 12th and the 13th?</p> <p>17 A. I mean he should not have. He should</p> <p>18 have contacted HR, yes. However, it was after the</p> <p>19 fact until, for whatever reason, I wasn't</p> <p>20 available to address this e-mail, that I wanted to</p> <p>21 know that he did. I mean if he did allow her to</p> <p>22 do it, there was nothing I was going to do to</p> <p>23 change that decision at that point in time since</p> <p>24 it was already the next day.</p>	<p>Page 511</p> <p>1 Mr. Hatter for allowing Jane Doe 1 to work from</p> <p>2 home without running it past HR administration?</p> <p>3 A. No.</p> <p>4 Q. In May of 2021 Jane Doe 3 applied for</p> <p>5 FMLA, correct?</p> <p>6 A. I remember it was sometime around there.</p> <p>7 I don't exactly know if it was May or June.</p> <p>8 MS. SMITH: 161 will be Ms. Zula</p> <p>9 2398 and then 299 to 302.</p> <p>10 Matt, they should all be in one pdf.</p> <p>11 - - -</p> <p>12 (Zula 2398 &amp; 299-302 marked as</p> <p>13 Exhibit-161 for identification.)</p> <p>14 - - -</p> <p>15 BY MS. SMITH:</p> <p>16 Q. Ms. Zula, do you recognize these</p> <p>17 documents?</p> <p>18 A. Yes.</p> <p>19 Q. On the first page it's an e-mail</p> <p>20 exchange, correct?</p> <p>21 A. Yes.</p> <p>22 Q. If we look, there is an attachment.</p> <p>23 It's called Scan One.</p> <p>24 Do you know -- again the Bates numbers</p>
<p>Page 512</p>	<p>Page 513</p>

<p style="text-align: right;">Page 514</p> <p>1 are not consecutive. So I just want to make sure</p> <p>2 I reconstructed the document correctly.</p> <p>3 Was 299 through 302 the attachment</p> <p>4 called Scan One?</p> <p>5 A. I don't know, because I know there was a</p> <p>6 question regarding the paperwork that she sub --</p> <p>7 originally submitted, and so I don't know if this</p> <p>8 was the corrected document or if this is the</p> <p>9 original document. That, I don't know.</p> <p>10 Q. Okay. Well, if we look at 299 to 302,</p> <p>11 is this a correct document -- or correct paperwork</p> <p>12 that Jane Doe 3 should have utilized when</p> <p>13 requesting FMLA?</p> <p>14 MS. PIPAK: I'll object to the</p> <p>15 form. But go ahead when you're ready.</p> <p>16 THE WITNESS: Yes, this would --</p> <p>17 appears to be the correct document to request</p> <p>18 leave for a family member.</p> <p>19 BY MS. SMITH:</p> <p>20 Q. And it appears that it was signed by</p> <p>21 Jane Doe 3's medical provider in May of 2021 to be</p> <p>22 consistent with the e-mail that you received 2398,</p> <p>23 would you agree?</p> <p>24 A. Well, it should have been signed by her</p>	<p style="text-align: right;">Page 516</p> <p>1 A. Yes.</p> <p>2 Q. Does -- do all applications for Family</p> <p>3 Medical Leave have to be reviewed and approved by</p> <p>4 a human resources individual?</p> <p>5 A. Yes.</p> <p>6 Q. Is it always the director?</p> <p>7 A. Well, what happens is the documentation</p> <p>8 is submitted to one of the HR analysts. She</p> <p>9 reviews the documentation, gets everything in</p> <p>10 line, and then once everything is ready to do</p> <p>11 she'll present it to me for final review and sign</p> <p>12 off.</p> <p>13 Q. And after you sign off on it, does</p> <p>14 anyone else have to sign off on it?</p> <p>15 A. There is a supervisor form that's also</p> <p>16 submitted, in addition to this application form,</p> <p>17 and the supervisor signs off on -- I don't exactly</p> <p>18 recall what the form is called. It's just a</p> <p>19 notification that the employee is applying for</p> <p>20 FMLA.</p> <p>21 Q. So does the supervisor of the employee</p> <p>22 applying for FMLA have to approve it?</p> <p>23 A. No, they don't approve it.</p> <p>24 Q. Okay.</p>
<p style="text-align: right;">Page 515</p> <p>1 mother's physician, not hers.</p> <p>2 Q. Oh, this may be her mother's physician.</p> <p>3 I don't know if it's --</p> <p>4 A. Yes, this is leave for her parents. So</p> <p>5 it should have been her mother's physician.</p> <p>6 Q. Okay.</p> <p>7 Well, in any event it's signed by a</p> <p>8 Doctor on May 25th, 2021, would you agree?</p> <p>9 A. Yes.</p> <p>10 MS. SMITH: I'm going to mark Zula</p> <p>11 1404 to 1406 as 162.</p> <p>12 We're going to take that one back. It's</p> <p>13 out of order.</p> <p>14 I'm going to mark Zula 298 as 162.</p> <p>15 ---</p> <p>16 (Zula 298 marked as Exhibit-162 for</p> <p>17 identification.)</p> <p>18 ---</p> <p>19 BY MS. SMITH:</p> <p>20 Q. Do you recognize this document, Ms.</p> <p>21 Zula?</p> <p>22 A. Yes.</p> <p>23 Q. You approved Jane Doe 3's FMLA leave on</p> <p>24 May 21st -- I mean May 26th, 2021, correct?</p>	<p style="text-align: right;">Page 517</p> <p>1 So the only person that has to be</p> <p>2 involved in the approval process is -- or I guess</p> <p>3 who had the approval authority, is the HR</p> <p>4 director?</p> <p>5 A. The approval of the HR is done by the HR</p> <p>6 director, yes. But the supervisor -- there's a</p> <p>7 form that the county requires the employee to sign</p> <p>8 and have the supervisor sign to confirm that</p> <p>9 they're aware the leave is going to be taken.</p> <p>10 Q. Okay.</p> <p>11 So the ultimate decision to approve or</p> <p>12 disapprove FMLA leave would lie with the HR</p> <p>13 director?</p> <p>14 A. Yes.</p> <p>15 Q. Okay.</p> <p>16 Anyone else involved in the approval or</p> <p>17 denial of the FMLA?</p> <p>18 A. No.</p> <p>19 Q. Okay.</p> <p>20 Based off of your approval, Jane Doe 3's</p> <p>21 leave did commence on 6/7/2021 and she returned on</p> <p>22 8/30/2021, correct?</p> <p>23 A. Yes, I believe those are the correct</p> <p>24 dates.</p>

<p>Page 518</p> <p>1 Q. During Jane Doe 3's FMLA leave, who supervised the tax claim bureau?</p> <p>2 A. For the first week I believe it was Jane Doe 4 as the assistant tax claim director. And then after both Jane Doe 3 and Jane Doe 4 were on FMLA leave that's when the county appointed Ms. Deb Dash as the interim assistant.</p> <p>3 Q. Well, when Deb Dash was the interim assistant director, was there a director?</p> <p>4 A. No.</p> <p>5 Q. Were Jane Doe 3's county e-mails rerouted during the period of her FMLA leave?</p> <p>6 A. Yes, I believe they were.</p> <p>7 Q. To whom?</p> <p>8 A. I believe they were sent to Ms. Dash.</p> <p>9 Q. Do you know who instructed that had to occur?</p> <p>10 A. I'm not certain exactly who instructed it. I believe it was Mr. Bender.</p> <p>11 Q. Do you know why?</p> <p>12 A. I believe that in order to ensure that there was nothing missed during Jane Doe 3's absence, that the decision was made to forward her e-mails to Ms. Dash as it's a county e-mail to be</p>	<p>Page 520</p> <p>1 came back to assist when I was leaving, she had a boat-load of e-mails in her inbox from when she was gone because they were -- but they were still forwarded to me.</p> <p>2 Q. You compared the two sets of e-mails?</p> <p>3 A. No, I didn't. But she had informed me that she had a lot of e-mails in her inbox.</p> <p>4 Q. You don't know if they were the same?</p> <p>5 A. I don't know.</p> <p>6 Q. Do you know where Jane Doe 3's county voicemails were rerouted during the period of her FMLA leave?</p> <p>7 A. I believe that, yes, they were. I don't know if they were rerouted or if someone just had access to access the voicemails on her phone. I don't know what the process was. But, yes, somebody else had access to her voicemails on her county phone.</p> <p>8 Q. Well, who in the county is responsible for e-mails and voicemails and -- when an employee is out on FMLA leave?</p> <p>9 A. The MIS Department handles the e-mails and the voicemails. Typically I would assume it was handled by the supervisors for the absent</p>
<p>Page 519</p> <p>1 utilized for county business.</p> <p>2 Q. Do you know prior to her -- Jane Doe 3's return from FMLA, did the county arrange to have her e-mails sent back to her e-mail address?</p> <p>3 A. Prior to her return? I don't -- I mean they've always come into her e-mail. So they never left her e-mail. It's just those messages were also forwarded to Ms. Dash so they always hit her e-mail.</p> <p>4 Q. So it's your understanding that during the period of forwarding we'll call it when the e-mails that got sent to Jane Doe 3's county e-mail address went to Ms. Dash, that they were also appearing in Jane Doe 3's inbox?</p> <p>5 A. Yes, I believe they were. I believe that's the process.</p> <p>6 Q. Okay.</p> <p>7 A. That's not my realm. So I could be mistaken, but I believe that's the process that they would still sit in her inbox, I believe. But they would also then be forwarded to whoever gets whoever -- whoever the forwarding person. So similar I think too we walked about Ms. Kutzler -- I believe that is true, because when Ms. Kutzler</p>	<p>Page 521</p> <p>1 employee that provisions would be made. I don't know exactly what is done in other offices. I don't know.</p> <p>2 Q. Well, Jane Doe 3 was the supervisor of the department, correct?</p> <p>3 A. She was the supervisor of the department and Mr. Bender supervised her.</p> <p>4 Q. So do you know who notified MIS to handle e-mail and voicemail rerouting, forwarding while Jane Doe 3 was out on FMLA leave?</p> <p>5 A. I don't recall who that would have been.</p> <p>6 Q. Did you ever speak with Mr. Bender to figure out if --</p> <p>7 A. I believe, yes, I believe he did -- sorry.</p> <p>8 Q. -- if those steps had been -- did you ever speak with Mr. Bender to find out if those steps had been taken?</p> <p>9 A. Yes, I believe I did have a conversation with him about it. I don't know if he was the one who requested it or not of MIS. But he was aware or had directed potentially that that occurred, that the e-mails be forwarded as well as the voicemails.</p>



<p style="text-align: right;">Page 522</p> <p>1 Q. When Jane Doe 3 was set to come back 2 from FMLA, did you speak with Mr. Bender to ensure 3 that the e-mail forwarding and voicemail access 4 was restored for her so she could get back into 5 her duties? 6 A. I don't recall. I don't think I did 7 have a conversation prior to that. I know there 8 was an issue when she did return, and I did 9 address that with Mr. Bender to get that 10 corrected. 11 Q. But it was after she returned? 12 A. Yes. I believe -- I don't believe it 13 was done prior. 14 Q. Who handles swipe card access for 15 employees? 16 A. The swipe card access is either given by 17 the sheriff's office. It could also be updated by 18 the HR office. 19 Q. Is it common practice or policy that 20 swipe cards for FMLA leave employees are cut? 21 A. It depends on the circumstances. Some 22 people are only out for a day -- well, a day here 23 or there on an intermittent basis. So in those 24 cases, no. In other instances, if employees are</p>	<p style="text-align: right;">Page 524</p> <p>1 Q. And she didn't have the available time 2 for FMLA? 3 A. Yes. 4 Q. And she was approved for an extended 5 leave of unpaid -- 6 A. I believe, yes, she was approved for a 7 leave of absence by the courts. The courts 8 approved their employees for leave. 9 Q. What do you mean the courts approved 10 their employees? 11 A. For a leave of absence, the courts 12 will -- they issue the approval as far as whether 13 or not an employee can take a leave of absence. 14 Q. So a domestic relations employee is a 15 court employee? 16 A. Yes. 17 Q. Still a county employee? 18 A. Well, they're paid through the county, 19 but they're under the courts, so the courts -- 20 again Judge Baldwin I believe it was at the 21 time -- or, no, it might have actually been Judge 22 Russell, that they elected to have their 1620 23 rights availed to them, that they allow that they 24 basically again control the right to hire, fire</p>
<p style="text-align: right;">Page 523</p> <p>1 going to be out long-term, yes, we have cut off 2 access for employees in certain circumstances 3 based upon the request of the supervisor. 4 Q. Can you name an employee who was out on 5 an extended FMLA leave who had their swipe card 6 access cut? 7 A. I don't know if it was a specific FMLA 8 leave, but we had I believe an employee in the 9 courts domestic relations, he was out for an 10 extended period of time and they requested to have 11 her access cut off. 12 Q. Why was she out? 13 A. It was an unpaid leave. I don't believe 14 she qualified for FMLA, but she requested a leave 15 of absence, and that was approved by the court and 16 they did ask to have her time cut off, so similar 17 to an FMLA leave. 18 Q. Who is this employee? 19 A. I can't think of her name. 20 Q. What was her position? 21 A. She was in the domestic relations 22 office, a clerk typist. I believe her name was -- 23 I don't know what her name -- I can't think of her 24 name.</p>	<p style="text-align: right;">Page 525</p> <p>1 and supervise employees. 2 Q. Was this employee, the domestic 3 relations employee's leave, medical related? 4 A. I don't recall. I believe it was. I 5 believe it was. Not for her, but for a family 6 member. 7 Q. Was Jane Doe 3's swipe card access cut 8 off when she was on FMLA? 9 A. Yes, it was. 10 Q. Do you know who made that decision? 11 A. Mr. Bender. 12 Q. Is there any policy that indicates that 13 someone on FMLA leave should have their swipe card 14 cut -- swipe card access cut? 15 A. No. 16 Q. Any other employees who you can think of 17 during FMLA, other than obviously the domestic 18 relations employee that we just spoke of, who had 19 their access card cut off? 20 A. I'm not -- I don't recall. 21 Q. Did you take steps to ensure that Jane 22 Doe 3's swipe card access was reinstated prior to 23 her return from FMLA? 24 A. No, I did not.</p>

<p>Page 526</p> <p>1 MS. SMITH: I'm going to mark 2764 2 as Exhibit-163. 3 - - - 4 (Zula 2764 marked as Exhibit-163 for 5 identification.) 6 - - - 7 BY MS. SMITH: 8 Q. Do you recognize this e-mail chain? 9 A. Yes. 10 Q. Jane Doe 3 on August 30th at 10:41, the 11 top e-mail there, asks you is it customary 12 procedure to cut access when someone goes out on 13 FMLA. And she indicates to you it put her in a 14 position -- that not having access put her in a 15 position to have to use the main entrance, the one 16 used by Defendant Halcovage. 17 Did you ever reply to this e-mail? 18 A. I'm not certain. I don't recall if I 19 did or didn't. 20 Q. Did you ever investigate -- other than 21 updating her access investigate why her access 22 wasn't reinstated before she returned from FMLA? 23 MS. PIPAK: Object to the form. Go 24 ahead.</p>	<p>Page 528</p> <p>1 Q. About a month or -- within the month of 2 September she was placed on indefinite suspension, 3 correct? 4 A. Yes. 5 Q. And that's for -- and we'll get to it, 6 but generally is for issues related to LexisNexis, 7 correct? 8 A. Yes. 9 Q. Other than what she was placed on 10 indefinite suspension for during her month return 11 that month of September, 2021, did you have any 12 issues with Jane Doe 3's job performance? 13 A. From my perspective, not that I can 14 recall. 15 Q. Any issues with the tax claim bureau's 16 operations during that month of September, 2021? 17 A. Not that I can recall. 18 Q. Jane Doe 4, I think we briefly touched 19 on it, also requested FMLA around the same time as 20 Jane Doe 3, correct? 21 A. Yes. 22 MS. SMITH: I'm going to mark Zula 23 305 at 164. 24 - - -</p>
<p>Page 527</p> <p>1 THE WITNESS: No, I did not do an 2 investigation. 3 BY MS. SMITH: 4 Q. Between Jane Doe 3's demotion in March 5 of 2017 and when she went out on FMLA, which we 6 established was June 7th of 2021, did you have any 7 issues with Jane Doe 3's job performance? 8 MS. PIPAK: Object to the form. Go 9 ahead. 10 THE WITNESS: I believe we did have 11 an issue regarding her professionalism, yes. 12 BY MS. SMITH: 13 Q. Other than her professionalism, any 14 other issues with the operations of the tax claim 15 bureau? 16 MS. PIPAK: Object to the form. Go 17 ahead. 18 THE WITNESS: Not that I can 19 recall. 20 BY MS. SMITH: 21 Q. Jane Doe 3 then came back from FMLA 22 we've established I think August 30th of 2021, 23 correct? 24 A. Yes.</p>	<p>Page 529</p> <p>1 (Zula 305 marked as Exhibit-164 for 2 identification.) 3 - - - 4 (Whereupon, discussions were held off 5 the record) 6 - - - 7 BY MS. SMITH: 8 Q. Ms. Zula, do you recognize Exhibit-164, 9 which is Zula 305? 10 A. Yes. 11 Q. This is your approval of Jane Doe 4's 12 FMLA request in June of 2021, correct. 13 A. Yes. 14 Q. Jane Doe 4, according to this document, 15 her leave commenced on June 14, 2021 and 16 September 6th, 2021 correct? 17 A. Yes. 18 Q. Between her demotion in March of 2021 19 and June 14 when she went on leave, did you have 20 any issues with Jane Doe 4's job performance? 21 A. Just from a professionalism perspective 22 from what I can recall. 23 Q. She was in, during that period of time, 24 both partially in the tax assessment office and</p>

<p style="text-align: right;">Page 530</p> <p>1 then partially in the tax claim bureau, correct?</p> <p>2 A. Yes.</p> <p>3 Q. She -- sorry, I should be more clear</p> <p>4 about that.</p> <p>5 She held position a position in tax</p> <p>6 assessment for a period of that time and then</p> <p>7 transferred to a position in the tax claim bureau,</p> <p>8 correct?</p> <p>9 A. Yes.</p> <p>10 Q. Okay.</p> <p>11 During that period of time did you have</p> <p>12 issues with the operation of either of those</p> <p>13 offices when she was employed in them?</p> <p>14 A. Not that I can recall.</p> <p>15 Q. Similar to Jane Doe 3, Jane Doe 4</p> <p>16 returned in -- well, Jane Doe 3 returned the end</p> <p>17 of August. Jane Doe 4 returned in September of</p> <p>18 2021, correct?</p> <p>19 A. Yes.</p> <p>20 Q. She was also, Jane Doe 4, placed on</p> <p>21 indefinite suspension in the month of September,</p> <p>22 2021, correct?</p> <p>23 A. Yes.</p> <p>24 Q. Between when she returned from FMLA</p>	<p style="text-align: right;">Page 532</p> <p>1 ensure that she had swipe card access?</p> <p>2 A. I don't believe, no.</p> <p>3 Q. You don't believe you did?</p> <p>4 A. I don't believe I did, no.</p> <p>5 MS. SMITH: I'm going to mark Zula</p> <p>6 2826 as 166.</p> <p>7 - - -</p> <p>8 (Zula 2826 marked as Exhibit-166 for</p> <p>9 identification.)</p> <p>10 - - -</p> <p>11 BY MS. SMITH:</p> <p>12 Q. Do you recognize this document?</p> <p>13 A. Yes.</p> <p>14 Q. This is an e-mail from Jane Doe 4 to you</p> <p>15 on September 10th, 2021 correct?</p> <p>16 A. Yes.</p> <p>17 Q. If you look to the paragraph that begins</p> <p>18 with finally. Jane Doe 4 says finally I believe</p> <p>19 it was stated that Ms. Dash would be taking care</p> <p>20 of judicial sale preparation. As I understood</p> <p>21 this increase in duties was the basis for her pay</p> <p>22 increase that she received in Jane Doe 3's and my</p> <p>23 absence. I learned that she delegated my workload</p> <p>24 to a clerk typist one and title searcher. Please</p>
<p style="text-align: right;">Page 531</p> <p>1 leave and when she was suspended, other than the</p> <p>2 issues related to LexisNexis, did you have any</p> <p>3 issues with Jane Doe 4's job performance?</p> <p>4 A. Not that I can recall.</p> <p>5 Q. Was Jane Doe 4's swipe card access to</p> <p>6 the courthouse also cut off during Jane Doe 4's</p> <p>7 FMLA leave?</p> <p>8 A. Yes, I believe it was.</p> <p>9 Q. Were there also issues with her access</p> <p>10 being reinstated prior to her return?</p> <p>11 A. I don't recall if there was or there</p> <p>12 wasn't.</p> <p>13 MS. SMITH: I'll mark as 165, it's</p> <p>14 Zula 2798.</p> <p>15 - - -</p> <p>16 (Zula 2798 marked as Exhibit-165 for</p> <p>17 identification.)</p> <p>18 - - -</p> <p>19 BY MS. SMITH:</p> <p>20 Q. Take a look at this document and let me</p> <p>21 know if it refreshes your recollection.</p> <p>22 A. Yes, apparently there was issues.</p> <p>23 Q. Do you know if you took any steps prior</p> <p>24 to her return, Jane Doe 4's return, from FMLA to</p>	<p style="text-align: right;">Page 533</p> <p>1 allow this e-mail to serve as notice that the</p> <p>2 judicial sale is not even close to being</p> <p>3 completed, the upset sale is also behind with</p> <p>4 things being entered for accurate upset sale bid.</p> <p>5 The petition to waive personal service hasn't even</p> <p>6 been started, and also the list of bidders that</p> <p>7 all municipalities will need to do to the new</p> <p>8 statute.</p> <p>9 Did you ever look into whether or not --</p> <p>10 into the veracity of Jane Doe 4's statements in</p> <p>11 this statement?</p> <p>12 A. I did provide the information to Mr.</p> <p>13 Bender about the judicial sale as that's not</p> <p>14 something that I was involved in, nor was it my</p> <p>15 responsibility to review or oversee the judicial</p> <p>16 sale. I did look into the clerk typist one and</p> <p>17 title searcher responsibilities. Yes, that issue</p> <p>18 was addressed with the union.</p> <p>19 Q. Let me unpack that. So the first part</p> <p>20 is you said the judicial sale information was</p> <p>21 relayed to Mr. Bender because it was not your</p> <p>22 responsibility to oversee that, correct?</p> <p>23 A. Yes.</p> <p>24 Q. Did Mr. Bender, like the STEB report,</p>

<p>Page 534</p> <p>1 have you do an investigation to look into whether</p> <p>2 or not it had been completed?</p> <p>3 MS. PIPAK: Object to form. Go</p> <p>4 ahead.</p> <p>5 THE WITNESS: No, I believe he was</p> <p>6 part of the whole judicial sale process that</p> <p>7 Ms. Dash was going through. So he did not have me</p> <p>8 do an investigation into that.</p> <p>9 BY MS. SMITH:</p> <p>10 Q. Do you know if he did an investigation</p> <p>11 into Ms. Dash completing or not completing the</p> <p>12 work that she was supposed to --</p> <p>13 A. I do not know.</p> <p>14 Q. Do you know if Ms. Dash was disciplined</p> <p>15 in any way for her -- for these allegations of</p> <p>16 Jane Doe 4 in September, 2021?</p> <p>17 MS. PIPAK: Object to the form. Go</p> <p>18 ahead.</p> <p>19 THE WITNESS: I'm not aware of Ms.</p> <p>20 Dash being disciplined. I'm not certain what her</p> <p>21 responsibilities were for the judicial sale</p> <p>22 preparation.</p> <p>23 BY MS. SMITH:</p> <p>24 Q. So then you talked about clerk typist</p>	<p>Page 536</p> <p>1 A. That was not a union position.</p> <p>2 Q. And were the -- what were the duties or</p> <p>3 what was the work that was delegated to the title</p> <p>4 searcher that you spoke with the union employee</p> <p>5 about?</p> <p>6 A. It involved typing information on a</p> <p>7 spreadsheet. I'm not -- I don't exactly recall</p> <p>8 the entire process. But there was a spreadsheet</p> <p>9 prepared with going through different files. I</p> <p>10 don't know if they were electronic files or cards,</p> <p>11 I'm not exactly -- I can't exactly recall, but it</p> <p>12 involved typing information with names and</p> <p>13 addresses on this form, on this spreadsheet that I</p> <p>14 believe was then turned over to the sheriff's</p> <p>15 office.</p> <p>16 Q. And what were the duties or work that</p> <p>17 was delegated to the clerk typist one?</p> <p>18 A. Similar work to that as well. The</p> <p>19 preparation of the spreadsheet by typing the names</p> <p>20 and the addresses on the spreadsheet.</p> <p>21 Q. Did you ever respond to this e-mail of</p> <p>22 Jane Doe 4's?</p> <p>23 A. I'm not sure if I did or didn't.</p> <p>24 Q. So May of 2021, we briefly touched on</p>
<p>Page 535</p> <p>1 one and title searcher position. So Jane Doe 4's</p> <p>2 allegation is that Ms. Dash delegated that work.</p> <p>3 So what exactly did you look into regarding that</p> <p>4 as you testified you did?</p> <p>5 A. So there was I guess concern brought</p> <p>6 forth by the union regarding the work that was</p> <p>7 assigned to the title searcher position. We</p> <p>8 discussed that work, and it was found that the</p> <p>9 work was appropriately assigned to that</p> <p>10 classification. Even though it was work that was</p> <p>11 performed by Jane Doe 3 -- excuse me, Jane Doe 4</p> <p>12 in her position, it wasn't work that qualified to</p> <p>13 be higher level work. It was more of work that</p> <p>14 was aligned with the responsibilities of the title</p> <p>15 searcher position.</p> <p>16 Q. So Ms. Dash prior to becoming -- strike</p> <p>17 that.</p> <p>18 Remind me, Ms. Dash went from clerical</p> <p>19 supervisor, a union position, correct?</p> <p>20 A. Yes.</p> <p>21 Q. To interim assistant assessor.</p> <p>22 A. Assistant tax claim director.</p> <p>23 Q. Director.</p> <p>24 Which was or was not a union position?</p>	<p>Page 537</p> <p>1 this I think yesterday. I'm sorry, real quick, I</p> <p>2 think you indicated that you don't believe that</p> <p>3 Ms. Dash was disciplined regarding what -- the</p> <p>4 issues Jane Doe 4 raises in her e-mails, but was</p> <p>5 anyone disciplined because of the delay in</p> <p>6 completing these tasks?</p> <p>7 A. The judicial sale tasks? Not to my</p> <p>8 knowledge.</p> <p>9 Q. Or the upset sale tax?</p> <p>10 A. Not to my knowledge.</p> <p>11 Q. Going back to 2021. I think we talked</p> <p>12 about this a little bit yesterday. You learn that</p> <p>13 Jane Doe 1 and Jane Doe 2 had applied for what is</p> <p>14 called an SVPO, or Sexual Violence Protection</p> <p>15 Order, correct?</p> <p>16 A. Yes.</p> <p>17 Q. When was the first time you learned they</p> <p>18 applied for such an order?</p> <p>19 A. I don't recall exactly when it was. I</p> <p>20 think we received some sort of notification at the</p> <p>21 county. I don't remember.</p> <p>22 Q. It's kind of a little bit convoluted,</p> <p>23 but the SVPO order is actually applied for through</p> <p>24 I think it's the Clerk of Courts, is that -- or --</p>



<p>Page 538</p> <p>1 A. I don't know.</p> <p>2 Q. Okay.</p> <p>3 So you don't know if you got it, the</p> <p>4 notification about it through the fact that it was</p> <p>5 obtained from the county or some other means?</p> <p>6 MS. PIPAK: Object to the form.</p> <p>7 But go ahead.</p> <p>8 THE WITNESS: I don't -- I didn't</p> <p>9 get any -- I don't believe I got any documentation</p> <p>10 or anything. I believe I was told about it. I</p> <p>11 don't remember if it was from Gary or from</p> <p>12 somebody else, but I don't recall when exactly</p> <p>13 that was or how that transpired.</p> <p>14 MS. SMITH: I'm to mark Zula 1167</p> <p>15 as 167.</p> <p>16 - - -</p> <p>17 (Zula 1167 marked as Exhibit-167 for</p> <p>18 identification.)</p> <p>19 - - -</p> <p>20 BY MS. SMITH:</p> <p>21 Q. Do you recognize this chain of e-mails?</p> <p>22 A. Yes.</p> <p>23 Q. Jane Doe 3 on May 4th informed you that</p> <p>24 she and Jane Doe 4 would be attending the SVPO</p>	<p>Page 540</p> <p>1 A. Yes.</p> <p>2 Q. Who made the decision then that this was</p> <p>3 not a work-related matter?</p> <p>4 A. I did discuss it with Mr. Bender and it</p> <p>5 was decided that they would have to use their</p> <p>6 leave to attend the meeting.</p> <p>7 Q. So was it your decision, Mr. Bender's</p> <p>8 decision or a joint decision?</p> <p>9 A. I would say it was a joint decision.</p> <p>10 Q. Jane Doe 1 and Jane Doe 2 were also</p> <p>11 required to use accrued vacation, personal time or</p> <p>12 take an unpaid day, correct?</p> <p>13 A. I believe so, yes.</p> <p>14 Q. In that last exhibit 167, the last</p> <p>15 e-mail in this chain is on May 4th from Jane Doe 3</p> <p>16 to you. She questions the decision.</p> <p>17 Did you ever reply to Jane Doe 3's</p> <p>18 e-mail?</p> <p>19 A. I'm not certain. I don't recall if I</p> <p>20 did or didn't.</p> <p>21 Q. We, I think, briefly touched on this</p> <p>22 yesterday. During the SVPO hearing that took</p> <p>23 place in the county courthouse, you and Mr. Bender</p> <p>24 were asked to come to the SVPO courtroom to</p>
<p>Page 539</p> <p>1 hearing and asked if there's any issues. To which</p> <p>2 the same day you reply there is no issues with you</p> <p>3 and Jane Doe 4 attending the hearing. However,</p> <p>4 given that it is not a work-related matter, you</p> <p>5 will need to utilize your accrued vacation or</p> <p>6 personal leave to cover your absence.</p> <p>7 Did you understand what the SVPO hearing</p> <p>8 that Jane Doe 4 and Jane Doe 3 were planning to</p> <p>9 attend was related to?</p> <p>10 A. I believe it to be related to contact</p> <p>11 with Commissioner Halcovage, yes.</p> <p>12 Q. And you believed that at the time of</p> <p>13 your e-mail response on May 4th?</p> <p>14 A. Yes.</p> <p>15 Q. Defendant Halcovage is -- works in the</p> <p>16 county courthouse, correct?</p> <p>17 A. Yes.</p> <p>18 Q. Jane Doe 4 -- I'm sorry, Jane Doe 2 and</p> <p>19 Jane Doe 1 at the time were county employees,</p> <p>20 correct?</p> <p>21 A. Yes.</p> <p>22 Q. And not having contact with them at work</p> <p>23 was an issue that they had been raising for some</p> <p>24 time, correct?</p>	<p>Page 541</p> <p>1 discuss parking options for Jane Doe 1 and Jane</p> <p>2 Doe 2, correct?</p> <p>3 A. Yes.</p> <p>4 Q. You and Mr. Roth did come to the</p> <p>5 courtroom, correct?</p> <p>6 A. Yes, we were ordered by the judge to</p> <p>7 come to the courtroom.</p> <p>8 Q. Why do you believe you were ordered by</p> <p>9 the judge?</p> <p>10 A. That's what I was told when the sheriff</p> <p>11 came down and got me out of -- right after the</p> <p>12 commissioner's meeting. He told me that you are</p> <p>13 ordered to be in the courtroom by the judge.</p> <p>14 Q. Did either you or Mr. Roth have to</p> <p>15 utilize vacation or personal time for your</p> <p>16 attendance at the hearing?</p> <p>17 A. No.</p> <p>18 Q. Why didn't you?</p> <p>19 A. Because I was ordered by the judge to</p> <p>20 come. It had -- it was apparently related to go</p> <p>21 question regarding county business, but I was not</p> <p>22 required to utilize that, no.</p> <p>23 Q. Did you ever ask anybody if you should</p> <p>24 utilize it, given that Jane Doe 1, Jane Doe 2,</p>

<p style="text-align: right;">Page 542</p> <p>1 Jane Doe 3 and Jane Doe 4 had to?</p> <p>2 MS. PIPAK: Objection to form. You</p> <p>3 can answer.</p> <p>4 THE WITNESS: No, I did not.</p> <p>5 BY MS. SMITH:</p> <p>6 Q. Did you ever inform anyone that you had</p> <p>7 gone to the courtroom, such as Mr. Bender?</p> <p>8 A. Yes, he was aware.</p> <p>9 Q. Did he tell you to utilize vacation or</p> <p>10 personal time for your attendance?</p> <p>11 A. No, he did not.</p> <p>12 Q. You, Defendant Roth, Defendant</p> <p>13 Halcovage's attorney at the hearing Amy Kruzel,</p> <p>14 K-R-U-Z-E-L, and I discussed parking options for</p> <p>15 Jane Doe 1 and Jane Doe 2, correct?</p> <p>16 A. A request was made, yes. I don't know</p> <p>17 if a discussion was had. But a request was made</p> <p>18 to provide a parking space for them outside of the</p> <p>19 410 building.</p> <p>20 Q. Okay.</p> <p>21 And do you recall what your response to</p> <p>22 that request was?</p> <p>23 A. I said I would need to -- I believe I</p> <p>24 said I would need to go back and discuss it with</p>	<p style="text-align: right;">Page 544</p> <p>1 Q. And what was Mr. Bender's response?</p> <p>2 A. That parking spaces were not available.</p> <p>3 Q. Did you ever check with the sheriff to</p> <p>4 see if he could make spaces available?</p> <p>5 MS. PIPAK: Objection to form. Go</p> <p>6 ahead.</p> <p>7 THE WITNESS: No, I did not.</p> <p>8 BY MS. SMITH:</p> <p>9 Q. After the SVPO hearing what, if</p> <p>10 anything, did you do to ensure that Defendant</p> <p>11 Halcovage complied with the SVPO order?</p> <p>12 MS. PIPAK: Object to the form. Go</p> <p>13 ahead.</p> <p>14 THE WITNESS: I don't -- I can't</p> <p>15 recall when all of this -- like all of</p> <p>16 restrictions were put into place. But again Mr.</p> <p>17 Halcovage's, I believe his parking -- I don't know</p> <p>18 if this was right around the same time, but there</p> <p>19 were provisions put into place where, you know,</p> <p>20 when he came in the bottom entrance door he had to</p> <p>21 be searched or had to go through the metal</p> <p>22 detector. Then his parking space was moved up to</p> <p>23 the top parking lot. I believe that was done by</p> <p>24 the sheriff. And he had to go through the metal</p>
<p style="text-align: right;">Page 543</p> <p>1 county administration because I didn't oversee the</p> <p>2 parking spaces, nor did I have access to know who</p> <p>3 had a parking space, what spaces were available.</p> <p>4 That was not my determination to make.</p> <p>5 Q. Do you recall what Defendant Roth's</p> <p>6 response was?</p> <p>7 A. I don't recall what he responded.</p> <p>8 Q. You don't recall him saying that they</p> <p>9 would make those spots available for them?</p> <p>10 A. I don't know.</p> <p>11 MS. PIPAK: Objection to form. Go</p> <p>12 ahead.</p> <p>13 THE WITNESS: I don't know if</p> <p>14 that's what he said or he didn't say. I don't</p> <p>15 recall.</p> <p>16 BY MS. SMITH:</p> <p>17 Q. After the hearing what, if anything, did</p> <p>18 you do to secure parking spaces or to attempt to</p> <p>19 secure parking spaces for Jane Doe 1 and Jane Doe</p> <p>20 2?</p> <p>21 A. I believe it was Mr. Roth and I, I think</p> <p>22 that's what I testified to yesterday, went down to</p> <p>23 talk to Mr. Bender about the request to provide</p> <p>24 the parking spaces to Jane Doe 1 and Jane Doe 2.</p>	<p style="text-align: right;">Page 545</p> <p>1 detector when he came into the courthouse. And</p> <p>2 again he was, you know, recommended that he not go</p> <p>3 into the courthouse unattended. And he was also</p> <p>4 instructed not to enter the 410 building by Mr.</p> <p>5 Bender.</p> <p>6 BY MS. SMITH:</p> <p>7 Q. Mr. Bender instructed Defendant</p> <p>8 Halcovage to not go into the 410 building?</p> <p>9 A. Yes, I believe he did do that.</p> <p>10 Q. The restrictions by the sheriff</p> <p>11 regarding entrance to the courthouse, access</p> <p>12 within the courthouse, things of that nature,</p> <p>13 those were at the sheriff's doing on his own,</p> <p>14 correct?</p> <p>15 MS. PIPAK: Object to the form.</p> <p>16 THE WITNESS: Yes.</p> <p>17 BY MS. SMITH:</p> <p>18 Q. They weren't as a result of you going to</p> <p>19 him and saying what can we do?</p> <p>20 A. No, I did not go to him.</p> <p>21 Q. After the -- so on the day of the</p> <p>22 hearing did anyone inform you as to the fact that</p> <p>23 the order was actually issued?</p> <p>24 MS. PIPAK: Object to the form.</p>

<p>Page 546</p> <p>1 THE WITNESS: I don't recall if --</p> <p>2 I believe -- I -- I was made aware that the order</p> <p>3 was issued. I don't know when, if it was that day</p> <p>4 or another day. I don't recall that.</p> <p>5 BY MS. SMITH:</p> <p>6 Q. Do you know, was it close in time to</p> <p>7 when the hearing happened?</p> <p>8 A. I recall when we were up in the</p> <p>9 courtroom the judge did have conversation that</p> <p>10 indicated that there was to be no contact, no</p> <p>11 phone calls, no text messages, no nothing like</p> <p>12 that, and that -- but I do recall him saying, you</p> <p>13 know, he couldn't control, you know, if you're in</p> <p>14 the grocery store and turn a corner that like --</p> <p>15 or, for example, that is an example, I don't know</p> <p>16 if that's the example he gave, you know, he</p> <p>17 couldn't control that. But that you're to not</p> <p>18 have any contact with each other, even if you</p> <p>19 would run into each other, like you're -- you're</p> <p>20 kind of to go the other way. But as far as an</p> <p>21 official order or what it said, I don't recall if</p> <p>22 I ever got a copy of that.</p> <p>23 Q. Did you ever reach out to Jane Doe 2 or</p> <p>24 Jane Doe 1 or anyone to obtain a copy of that?</p>	<p>Page 548</p> <p>1 issued. Or that there was some sort of order,</p> <p>2 whatever, restriction issued. I don't know if</p> <p>3 they have had a copy of it or not. I know I don't</p> <p>4 believe I gave them anything.</p> <p>5 BY MS. SMITH:</p> <p>6 Q. So if Jane Doe 1 and Jane Doe 2 needed</p> <p>7 to go to the assessment office for work, in</p> <p>8 addition to the 410 building, they needed to go</p> <p>9 over and speak with, let's say, Mr. Hatter or</p> <p>10 Mr. Alu, and Mr. Alu and Mr. Hatter didn't know</p> <p>11 that there was an SVPO order that stated Defendant</p> <p>12 Halcovage shouldn't be in their personal space,</p> <p>13 how is it that they -- it would increase the risk</p> <p>14 that they would run into each other?</p> <p>15 MS. PIPAK: Object to the form.</p> <p>16 THE WITNESS: There were provisions</p> <p>17 put in place because they did need to drop off</p> <p>18 work at times, specifically Jane Doe 2. That</p> <p>19 someone would go out and either meet with her or</p> <p>20 out in her car to obtain the documentation. Or if</p> <p>21 their presence in the office was needed, someone</p> <p>22 would go out and walk them into the courthouse.</p> <p>23 BY MS. SMITH:</p> <p>24 Q. Were Mr. Alu and Mr. Hatter made aware</p>
<p>Page 547</p> <p>1 A. Not that I recall.</p> <p>2 Q. Did you think it might be important to</p> <p>3 provide that to Jane Doe 1's supervisor?</p> <p>4 MS. PIPAK: Objection to the form.</p> <p>5 You can answer.</p> <p>6 THE WITNESS: I know it was very</p> <p>7 well known there was to be no contact between Jane</p> <p>8 Doe 1 and Defendant Halcovage.</p> <p>9 BY MS. SMITH:</p> <p>10 Q. Well, you didn't think that Jane Doe 1's</p> <p>11 and Jane Doe 2's supervisor should understand that</p> <p>12 there was a court order regarding Defendant</p> <p>13 Halcovage and his presence in their personal</p> <p>14 space?</p> <p>15 MS. PIPAK: Object to the form.</p> <p>16 THE WITNESS: I did not have a</p> <p>17 conversation with their supervisor, no, that I can</p> <p>18 recall.</p> <p>19 BY MS. SMITH:</p> <p>20 Q. You never informed Mr. Alu or Mr. Hatter</p> <p>21 there was an SVPO order that was issued?</p> <p>22 MS. PIPAK: Object to the form.</p> <p>23 THE WITNESS: I did not do that.</p> <p>24 However, I know that they are aware that that was</p>	<p>Page 549</p> <p>1 that Defendant Halcovage should not be in the tax</p> <p>2 claim or tax assessment offices?</p> <p>3 A. Yes, I believe they were aware of that</p> <p>4 requirement -- that -- that restriction.</p> <p>5 Q. Did you make them aware of it?</p> <p>6 A. I don't recall if I did or I didn't.</p> <p>7 Q. Do you know who did?</p> <p>8 A. I don't recall.</p> <p>9 Q. So are you -- as you sit here today, are</p> <p>10 you certain they knew of that restriction?</p> <p>11 MS. PIPAK: Object to the form.</p> <p>12 THE WITNESS: Yes, I do believe</p> <p>13 they knew of that restriction.</p> <p>14 BY MS. SMITH:</p> <p>15 Q. How -- well, you believe is not certain.</p> <p>16 So are you certain or you believe?</p> <p>17 MS. PIPAK: Object to the form.</p> <p>18 THE WITNESS: Without talking to</p> <p>19 Mr. Hatter or Mr. Alu to confirm that, but yes, I</p> <p>20 do believe that they were aware of that, that Mr.</p> <p>21 Halcovage was not to be visiting their offices if</p> <p>22 Jane Doe 1 and Jane Doe 2 were present.</p> <p>23 BY MS. SMITH:</p> <p>24 Q. Oh, so only if Jane Doe 1 and Jane Doe 2</p>

<p style="text-align: right;">Page 550</p> <p>1 were present were they restricted?</p> <p>2 A. Well, no. But they were -- he was not</p> <p>3 to be in the courthouse unaccompanied, period. So</p> <p>4 if he would go to those offices he would be</p> <p>5 accompanied by someone else.</p> <p>6 Q. So he was permitted to go to the tax</p> <p>7 assessment and tax claim office if accompanied?</p> <p>8 A. I don't believe there was ever an</p> <p>9 occasion that that had to occur to my knowledge.</p> <p>10 But potentially I guess he could have, but I don't</p> <p>11 believe that ever occurred.</p> <p>12 Q. When you say you don't believe there was</p> <p>13 ever an occasion, meaning that there was no real</p> <p>14 legitimate business reason for Mr. Halcovage to go</p> <p>15 to those offices, right?</p> <p>16 A. I don't believe so. Anything that could</p> <p>17 have needed to be done most likely could have been</p> <p>18 done via phone or via e-mail.</p> <p>19 MS. SMITH: Okay. It's part of</p> <p>20 Sheriff Groody's production. Mark it as an</p> <p>21 Exhibit-168.</p> <p>22 - - -</p> <p>23 (9/29/22 letter marked as Exhibit-168</p> <p>24 for identification.)</p>	<p style="text-align: right;">Page 552</p> <p>1 that aside. We can leave it marked as an exhibit,</p> <p>2 but I don't have any questions about it.</p> <p>3 We'll have to come back to that</p> <p>4 line of questioning.</p> <p>5 All right. We're going to move on to</p> <p>6 a separate line of questioning and I'll come back to</p> <p>7 that. Sorry trying to keep this chronological and</p> <p>8 consistent.</p> <p>9 BY MS. SMITH:</p> <p>10 Q. Do you recall receiving a report from</p> <p>11 Maria Casey, the Clerk of Courts, that Defendant</p> <p>12 Halcovage made a remark to Jane Doe 3 and Jane Doe</p> <p>13 4 that he would like to stick a big one up Maria</p> <p>14 Casey's ass?</p> <p>15 MS. PIPAK: Object to form.</p> <p>16 THE WITNESS: Yes.</p> <p>17 MS. IPPOLITO: Before we go on, did</p> <p>18 you take --</p> <p>19 MS. SMITH: I didn't take it out as</p> <p>20 an exhibit, just so we didn't confuse ourselves.</p> <p>21 I left it in. I'm just not asking any questions</p> <p>22 about it.</p> <p>23 MS. IPPOLITO: Okay.</p> <p>24 BY MS. SMITH:</p>
<p style="text-align: right;">Page 551</p> <p>1 - - -</p> <p>2 MS. SMITH: And for the record, it</p> <p>3 is a letter dated September 29th, 2022 on</p> <p>4 Schuylkill County Sheriff's office letterhead and</p> <p>5 it is signed and -- signed by James --</p> <p>6 BY MS. SMITH:</p> <p>7 Q. Do you know how to say his last name?</p> <p>8 Bohorad? Am I saying it right?</p> <p>9 A. That sounds about right.</p> <p>10 Q. Bohorad, B-O-H-O-R-A-D.</p> <p>11 Ms. Zula, do you recognize this</p> <p>12 document?</p> <p>13 MS. PIPAK: I'm going to object on</p> <p>14 the basis of attorney/client privilege to the</p> <p>15 extent your answer involves any discussion you had</p> <p>16 with counsel.</p> <p>17 THE WITNESS: I was going to say I</p> <p>18 don't recognize this document.</p> <p>19 MS. SMITH: I pulled the document</p> <p>20 separate. Can you pull -- we can come back to it.</p> <p>21 This is their letter. I pulled</p> <p>22 the document, and Bates -- that's why its not</p> <p>23 Bates stamped. I pulled the document production.</p> <p>24 Its called Document, that's why -- you can put</p>	<p style="text-align: right;">Page 553</p> <p>1 Q. Do you recall if it was in about</p> <p>2 April of 2021?</p> <p>3 A. Yes.</p> <p>4 Q. And Ms. Casey was the one that informed</p> <p>5 you about it, correct?</p> <p>6 A. Yes, I believe so.</p> <p>7 MS. SMITH: I'm going to mark Zula</p> <p>8 933 as Exhibit-169.</p> <p>9 - - -</p> <p>10 (Zula 933 marked as Exhibit-169 for</p> <p>11 identification.)</p> <p>12 - - -</p> <p>13 BY MS. SMITH:</p> <p>14 Q. Do you recognize this document?</p> <p>15 A. Yes.</p> <p>16 Q. Okay.</p> <p>17 And this is the e-mail that you receive</p> <p>18 from Maria Casey regarding that comment by</p> <p>19 Defendant Halcovage, correct?</p> <p>20 A. Yes.</p> <p>21 Q. In your e-mail to Mr. Bender, in which</p> <p>22 you forwarded, you talk about -- or you say also I</p> <p>23 received a very disturbing call from Mr. Alu</p> <p>24 regarding an incident that occurred this morning</p>



<p style="text-align: right;">Page 554</p> <p>1 when he called into the Tax Assessment office  2 requesting information. Is the call that you're  3 referencing there the one that Jane Doe 3 and Jane  4 Doe 4 were written up for?  5 A. Yes.  6 Q. And you believe that to be a very  7 disturbing call?  8 A. It was very disturbing to Mr. Alu, yes.  9 He was very upset regarding the call that he had.  10 Q. But you didn't reference Ms. Casey's  11 allegations that a sitting commissioner said I  12 would like to stick a big one up her ass as  13 disturbing, did you?  14 A. It is disturbing. I didn't put it in  15 the e-mail.  16 MS. SMITH: Okay. I'm going to  17 mark as 170 Zula 942 to 943.  18 ---  19 (Zula 942-943 marked as Exhibit-170 for  20 identification.)  21 ---  22 BY MS. SMITH:  23 Q. Ms. Zula, do you recognize this e-mail  24 chain?</p>	<p style="text-align: right;">Page 556</p> <p>1 by the sheriff's office.  2 Q. Did you notify the sheriff that Ms.  3 Casey believed that Defendant Halcovage was  4 carrying a bag that could contain weapons?  5 A. No, I did not, because he was already  6 required to go through and be checked by the  7 sheriff's office.  8 Q. Did you ask the sheriff's office if, in  9 fact, Mr. Halcovage wasn't going through the  10 medical detector being wanded?  11 A. No, I did not.  12 Q. Did you speak with anyone concerning  13 Defendant Halcovage's carrying a bag that could  14 contain weapons?  15 A. No, I did not.  16 Q. In April of 2021 what are your  17 understandings of what Defendant Halcovage was  18 required do to enter the building?  19 A. I believe -- I wasn't -- I'm not sure if  20 it was down at the bottom of the courthouse yet or  21 at the top. But he was, my understanding I  22 believe at that time, was required to go through  23 and either be wanded or go through the metal  24 detector.</p>
<p style="text-align: right;">Page 555</p> <p>1 A. Yes.  2 Q. And this e-mail chain includes your  3 response to Maria Casey regarding her allegations  4 in that last e-mail that we looked at, and you ask  5 her please let me know your availability to meet  6 to discuss the information, correct?  7 A. Yes.  8 Q. Her e-mail is actually down at the  9 bottom.  10 She sent her e-mail April 9, 2021 at  11 10:14 a.m., and within just over an hour you  12 responded her to follow up and investigate the  13 claims, correct?  14 A. Yes.  15 Q. On April 9, 2021, the same day at 2:34  16 Ms. Casey responds to you and she says Halcovage  17 should not be allowed to enter the courthouse  18 without going through security. Right now he  19 comes and goes at will, and carries a very large  20 bag with him that could contain weapons or God  21 knows what.  22 Did you address Ms. Casey's concerns  23 with the sheriff?  24 A. No. He was already under restrictions</p>	<p style="text-align: right;">Page 557</p> <p>1 MS. SMITH: Matt, there should be a  2 Bates Groody 1, 2.  3 THE TECHNICIAN: Yes, got it,  4 Counsel.  5 MS. SMITH: I don't have paper  6 copies. I apologize to those, but it will be on  7 the Zoom. So it's the first -- I Bates them. I  8 can send out a Bates, but it's the first two  9 documents in the actual document production by  10 Groody.  11 It's a Letter dated 2021,  12 Schuylkill County Sheriff's office. It states  13 hand delivered to George Halcovage, County  14 Commissioner, at the courthouse address. It  15 starts with as you know, I serve as solicitor for  16 Sheriff Groody, Schuylkill County Sheriff's  17 office. On Wednesday, May 12th, a meeting was  18 held with Sheriff Groody, the elected row offices.  19 MS. IPPOLITO: I can't see it yet.  20 BY MS. SMITH:  21 Q. Have you ever seen this letter before?  22 A. I don't recall. I'm not sure was I  23 copied on it.  24 Q. In the letter it states you will recall</p>



<p>Page 558</p> <p>1 when that when the Pennsylvania Office of Attorney</p> <p>2 General initiated an investigation last year,</p> <p>3 Sheriff Groody restricted your access to the</p> <p>4 courthouse. At that time you were required to</p> <p>5 enter and exit the courthouse only through its</p> <p>6 main entrance and pass through the metal detector</p> <p>7 before accessing the rest of your building?</p> <p>8 MS. SMITH: Matt, if you can scroll</p> <p>9 up one second for me. Thank you.</p> <p>10 BY MS. SMITH:</p> <p>11 Q. This letter is issued May 13th, 2021?</p> <p>12 MS. SMITH: So if you'll scroll</p> <p>13 back down, Matt.</p> <p>14 BY MS. SMITH:</p> <p>15 Q. So when the letter indicates last it was</p> <p>16 last year that would be 2020, correct?</p> <p>17 A. Yes.</p> <p>18 MS. PIPAK: Object to the form.</p> <p>19 BY MS. SMITH:</p> <p>20 Q. Is it your understanding that the</p> <p>21 attorney general investigation into Defendant</p> <p>22 Halcovage was in the year 2020?</p> <p>23 MS. PIPAK: Objection to form. Go</p> <p>24 ahead.</p>	<p>Page 560</p> <p>1 MS. SMITH: Matt, if you can scroll</p> <p>2 down.</p> <p>3 BY MS. SMITH:</p> <p>4 Q. So then this letter goes on to state</p> <p>5 about Judge Ebby's order, which would be the SVPO</p> <p>6 order, correct?</p> <p>7 MS. PIPAK: Object to the form.</p> <p>8 THE WITNESS: Yes.</p> <p>9 BY MS. SMITH:</p> <p>10 Q. And then it talks in the next paragraph</p> <p>11 Sheriff Groody mentions new restrictions as a</p> <p>12 result of meeting between row officers and him,</p> <p>13 correct?</p> <p>14 A. Yes.</p> <p>15 Q. So would you agree that between the time</p> <p>16 the Office of Attorney General declined to</p> <p>17 prosecute Mr. Halcovage and the time that the SVPO</p> <p>18 order happened in May of 2021, that Defendant</p> <p>19 Halcovage was not required to be wanded or go</p> <p>20 through metal detector?</p> <p>21 MS. PIPAK: Object to the form.</p> <p>22 THE WITNESS: Yes, based upon this</p> <p>23 communication.</p> <p>24 MS. SMITH: Okay.</p>
<p>Page 559</p> <p>1 THE WITNESS: I believe so. I'm</p> <p>2 not thoroughly familiar with that investigation.</p> <p>3 BY MS. SMITH:</p> <p>4 Q. Do you know if when you were employed</p> <p>5 with the county if Defendant Halcovage was still</p> <p>6 being investigated by the attorney general?</p> <p>7 A. I don't know. I don't believe so,</p> <p>8 because I don't believe there were criminal</p> <p>9 charges filed. So I don't believe.</p> <p>10 Q. It goes on to say your access was</p> <p>11 limited to the hours of 8 a.m. to 5 p.m. Monday</p> <p>12 through Friday. Several months later the sheriff</p> <p>13 relaxed the restrictions so you could enter and</p> <p>14 exit through the commissioner's entrance on Laurel</p> <p>15 Boulevard under the condition that you still agree</p> <p>16 to be wanded by deputies when you enter.</p> <p>17 Then it says when the attorney's office</p> <p>18 -- when the office of attorney general chose not</p> <p>19 to pursue criminal charges against you, Sheriff</p> <p>20 Groody ended the requirement that you be wanded</p> <p>21 prior to entering the courthouse. However, your</p> <p>22 access continued to be restricted weekdays from 8</p> <p>23 to 5 p.m. Do you see that?</p> <p>24 A. Yes.</p>	<p>Page 561</p> <p>1 So I'm going to mark as 417-418, Zula</p> <p>2 417-418 as 171. I don't have copy of what will be</p> <p>3 Exhibit-171.</p> <p>4 - - -</p> <p>5 (Zula 417-418 marked as Exhibit-171 for</p> <p>6 identification.)</p> <p>7 - - -</p> <p>8 BY MS. SMITH:</p> <p>9 Q. Do you recall seeing this article?</p> <p>10 A. No, I don't.</p> <p>11 Q. Okay.</p> <p>12 Well, in any event it's dated</p> <p>13 February 8th of 2021, and it indicates that the AG</p> <p>14 is not charging Schuylkill County Commissioner</p> <p>15 Defendant Halcovage.</p> <p>16 Do you see that?</p> <p>17 A. Yes.</p> <p>18 Q. Does this refresh your recollection as</p> <p>19 to the timing of when the attorney general</p> <p>20 declined to prosecute Defendant Halcovage?</p> <p>21 A. I guess so, yes.</p> <p>22 Q. So from February of 2021 till May of</p> <p>23 2021 the sheriff had eased the restrictions of</p> <p>24 going through the metal detector and/or being</p>

<p>Page 562</p> <p>1 wanded on Defendant Halcovage, correct?</p> <p>2 A. Yes.</p> <p>3 Q. Okay.</p> <p>4 So then if we look back to Ms. Casey's</p> <p>5 e-mail, do you have that in front of you?</p> <p>6 A. Yes.</p> <p>7 Q. Exhibit...</p> <p>8 A. 170.</p> <p>9 Q. Thank you. 170. Her e-mail was</p> <p>10 squarely within that time frame, was it not?</p> <p>11 A. Yes.</p> <p>12 Q. So did you ever go to the sheriff and</p> <p>13 say can we put the restrictions back on Defendant</p> <p>14 Halcovage to be wanded or go through the metal</p> <p>15 detector?</p> <p>16 A. No, I did not.</p> <p>17 Q. Okay.</p> <p>18 After you received the e-mail from Ms.</p> <p>19 Casey regarding Defendant Halcovage, did you</p> <p>20 discuss it with Defendant Bender?</p> <p>21 A. What e-mail from Defendant Halcovage?</p> <p>22 Q. I said the e-mail from Maria Casey</p> <p>23 regarding Defendant Halcovage.</p> <p>24 A. Oh.</p>	<p>Page 564</p> <p>1 Q. Any other suggestions or instructions</p> <p>2 that Mr. Bender gave you?</p> <p>3 A. No, not that I can recall.</p> <p>4 Q. Okay.</p> <p>5 And I don't want to know the content,</p> <p>6 but did you speak with your attorney?</p> <p>7 A. Yes.</p> <p>8 Q. Okay.</p> <p>9 After speaking with your attorney, what</p> <p>10 if anything did you do?</p> <p>11 A. I contacted Ms. Casey to attempt to</p> <p>12 schedule a time to meet with her.</p> <p>13 MS. SMITH: Is everybody good with</p> <p>14 a lunch break now so I can get my documents?</p> <p>15 MS. PIPAK: Yeah.</p> <p>16 MS. SMITH: All right. Let's go</p> <p>17 off the record.</p> <p>18 VIDEOGRAPHER: The time is</p> <p>19 12:32 p.m. and we're going off the record.</p> <p>20 - - -</p> <p>21 (Whereupon, luncheon recess was held</p> <p>22 off the record.)</p> <p>23 - - -</p> <p>24 VIDEOGRAPHER: The time is now</p>
<p>Page 563</p> <p>1 Q. If I didn't, that's what I meant.</p> <p>2 A. I'm sorry.</p> <p>3 Q. That's okay.</p> <p>4 A. Yes, I did.</p> <p>5 Q. Oh, you did discuss it with Defendant</p> <p>6 Bender?</p> <p>7 A. Yes.</p> <p>8 Q. What was the discussion?</p> <p>9 A. I made him aware that we received the</p> <p>10 complaint.</p> <p>11 Q. And what was his instruction to you, if</p> <p>12 any?</p> <p>13 MS. PIPAK: Objection to the form.</p> <p>14 THE WITNESS: I -- we discussed my</p> <p>15 next steps. And then I reached out to our</p> <p>16 attorney to have a discussion regarding --</p> <p>17 MS. PIPAK: I'm going to -- to the</p> <p>18 extent you were asking the attorney for legal</p> <p>19 advice, I'm going to advise you not to answer.</p> <p>20 BY MS. SMITH:</p> <p>21 Q. So just as it relates to Mr. Bender,</p> <p>22 what was the discussion regarding the next steps?</p> <p>23 A. We talked about discussing -- contacting</p> <p>24 our attorney to determine the next steps.</p>	<p>Page 565</p> <p>1 1:26 p.m. and we're back on the record.</p> <p>2 BY MS. SMITH:</p> <p>3 Q. Ms. Zula, before the break we were</p> <p>4 talking about -- I thought what we were talking</p> <p>5 about was Ms. Casey's report to you in April of</p> <p>6 2021 that Defendant Halcovage had made some</p> <p>7 inappropriate comments about her.</p> <p>8 Do you recall that?</p> <p>9 A. Yes.</p> <p>10 Q. And we were looking at Exhibit-170.</p> <p>11 We had established that Maria made the</p> <p>12 report to you on April 9th at 10:14, and the same</p> <p>13 day you reached out to her about the availability</p> <p>14 within less than two hours, correct?</p> <p>15 A. Yes.</p> <p>16 Q. And the reason you were asking to know</p> <p>17 her availability to meet with her was to conduct</p> <p>18 an investigation into the allegations that she</p> <p>19 had -- that Defendant Halcovage had made the</p> <p>20 comment that he would like to stick a big one up</p> <p>21 her ass, correct?</p> <p>22 A. Yes.</p> <p>23 Q. The comment, I would like to stick a big</p> <p>24 one up someone else's ass, would be</p>

<p>1 discrimination, correct?</p> <p>2 MS. PIPAK: Objection. To the</p> <p>3 extent you can answer, you can.</p> <p>4 THE WITNESS: I don't know if it's</p> <p>5 discrimination. It would be inappropriate if</p> <p>6 someone made that comment about a coworker, yes.</p> <p>7 BY MS. SMITH:</p> <p>8 Q. Okay.</p> <p>9 And something inappropriate would be</p> <p>10 within the purview of the Human Resources office,</p> <p>11 correct?</p> <p>12 A. Yes. Potentially, yes. I can</p> <p>13 investigate that issue, yes.</p> <p>14 Q. Okay.</p> <p>15 That was going to be my next question.</p> <p>16 It would be something that HR should investigate?</p> <p>17 A. Yes.</p> <p>18 Q. Okay.</p> <p>19 And it's important to fully investigate</p> <p>20 claims of inappropriate workplace conduct,</p> <p>21 correct?</p> <p>22 A. Yes.</p> <p>23 Q. Is there -- do you have an understanding</p> <p>24 of how quickly a complaint or report of</p>	<p>Page 566</p> <p>1 process.</p> <p>2 Q. Well, does it say anything about timing?</p> <p>3 A. There's a statement on the first page</p> <p>4 the county will investigate all complaints</p> <p>5 promptly to determine whether discrimination or</p> <p>6 harassment has occurred, and will take prompt</p> <p>7 remedial action to stop any improper workplace</p> <p>8 behavior.</p> <p>9 Q. And I think we established this earlier,</p> <p>10 but the only thing that changed between the</p> <p>11 February revision of this policy and the May was</p> <p>12 to remove Chris Hobbs as the EEO officer, right?</p> <p>13 A. Yes.</p> <p>14 MS. PIPAK: Object to the form.</p> <p>15 BY MS. SMITH:</p> <p>16 Q. Since February of 2021 it's always been</p> <p>17 the county's policy to promptly investigate and</p> <p>18 take prompt remedial action to stop improper</p> <p>19 workplace behavior, correct?</p> <p>20 A. Yes.</p> <p>21 Q. And you understood that as the HR</p> <p>22 director, that individual test with investigating</p> <p>23 sexual claims that you were to do so promptly?</p> <p>24 A. Yes.</p>
<p>Page 567</p> <p>1 inappropriate workplace conduct, how quickly they</p> <p>2 should be investigated?</p> <p>3 MS. PIPAK: Object to the form.</p> <p>4 THE WITNESS: I don't believe there</p> <p>5 is any standard that are written that it needs to</p> <p>6 be investigated within a certain period of time.</p> <p>7 BY MS. SMITH:</p> <p>8 Q. Do you know if the sexual harassment</p> <p>9 policy states that it should be prompt?</p> <p>10 A. I don't recall what it says.</p> <p>11 MS. SMITH: If we can have 105.</p> <p>12 BY MS. SMITH:</p> <p>13 Q. Do you have that exhibit in front of</p> <p>14 you?</p> <p>15 A. Yes.</p> <p>16 MS. PIPAK: 105?</p> <p>17 MS. DEBISE: Yes.</p> <p>18 BY MS. SMITH:</p> <p>19 Q. If you take a look at that policy, does</p> <p>20 it indicate the process, the investigation</p> <p>21 process?</p> <p>22 A. Yes.</p> <p>23 Q. What does it say about it?</p> <p>24 A. Do you want me to go through the whole</p>	<p>Page 569</p> <p>1 Q. In fact, you did investigate Ms. Casey's</p> <p>2 complaint promptly?</p> <p>3 A. Yes.</p> <p>4 MS. PIPAK: Object to the form. Go</p> <p>5 ahead.</p> <p>6 THE WITNESS: Yes.</p> <p>7 MS. SMITH: I'm going to mark as</p> <p>8 173 Zula 956 and 957.</p> <p>9 - - -</p> <p>10 (Zula 956-957 marked as Exhibit-173</p> <p>11 for identification.)</p> <p>12 - -</p> <p>13 BY MS. SMITH:</p> <p>14 Q. In Ms. Casey's report to you she</p> <p>15 indicated that -- she indicated that Jane Doe 3</p> <p>16 and Jane Doe 4 were the ones who had informed her,</p> <p>17 Ms. Casey, that Defendant Halcovage made this</p> <p>18 remark, correct?</p> <p>19 A. Yes.</p> <p>20 Q. And as a result Friday was April 9th</p> <p>21 when Ms. Casey made the report, and then that</p> <p>22 following Monday you reached out to Jane Doe 3 in</p> <p>23 order to conduct a prompt investigation, correct?</p> <p>24 A. Yes.</p>

<p style="text-align: right;">Page 570</p> <p>1 Q. Okay.</p> <p>2 Jane Doe 3 asked in this e-mail chain to</p> <p>3 be able to bring a witness. Well, she asked at</p> <p>4 first for her attorney to be present at the</p> <p>5 meeting, and you denied that request, correct?</p> <p>6 MS. PIPAK: Object to the form.</p> <p>7 THE WITNESS: Yes.</p> <p>8 BY MS. SMITH:</p> <p>9 Q. Why did you deny her request to have an</p> <p>10 attorney present?</p> <p>11 A. Because it's a work-related matter.</p> <p>12 That it was an investigation. It's an</p> <p>13 administrative employment-related process, so we</p> <p>14 would not allow her attorney to attend.</p> <p>15 Q. But you did inform her that she could a</p> <p>16 witness at the meeting, correct?</p> <p>17 A. Yes, we did allow her to bring a</p> <p>18 witness.</p> <p>19 Q. Why was she permitted to bring a witness</p> <p>20 to that meeting?</p> <p>21 A. I don't recall.</p> <p>22 Q. Is there any reason that a witness</p> <p>23 wouldn't be permitted to come to a meeting?</p> <p>24 A. Typically, no, we wouldn't allow it, but</p>	<p style="text-align: right;">Page 572</p> <p>1 3 and Jane Doe 4 were permitted to bring a witness</p> <p>2 and did meet with you, correct?</p> <p>3 A. Yes.</p> <p>4 Q. Do you remember -- this e-mail indicates</p> <p>5 10 a.m. tomorrow, meaning April 13th. And same</p> <p>6 for Jane Doe 3, it indicates tomorrow being</p> <p>7 April 13.</p> <p>8 Do you recall if you did in fact meet</p> <p>9 with them that very next day?</p> <p>10 A. I don't recall if that was the exact</p> <p>11 date.</p> <p>12 MS. SMITH: I'll mark as 175 Zula</p> <p>13 1091 to 1092.</p> <p>14 - - -</p> <p>15 (Zula 1091-1092 marked as Exhibit-175</p> <p>16 for identification.)</p> <p>17 - - -</p> <p>18 BY MS. SMITH:</p> <p>19 Q. Ms. Zula, do you recognize this e-mail</p> <p>20 communication?</p> <p>21 A. Yes.</p> <p>22 Q. And in fact on Friday, April 23rd, so by</p> <p>23 my calculation is 14 days after Ms. Casey's</p> <p>24 initial complaint, you had already conducted,</p>
<p style="text-align: right;">Page 571</p> <p>1 we did allow it in this case.</p> <p>2 Q. Okay.</p> <p>3 A. We wouldn't allow it, I should say, for</p> <p>4 management employees. Union represented employees</p> <p>5 were permitted to bring their certified</p> <p>6 bargaining agent to meetings.</p> <p>7 MS. SMITH: I'm going to look at</p> <p>8 Exhibit-174. It's Zula 958 to 959.</p> <p>9 - - -</p> <p>10 (Zula 958-959 marked as Exhibit-174 for</p> <p>11 identification.)</p> <p>12 - - -</p> <p>13 BY MS. SMITH:</p> <p>14 Q. That same day, Ms. Zula, you reached --</p> <p>15 the same day you reached out to Jane Doe 3, you</p> <p>16 also reached out to Jane Doe 4 to schedule a</p> <p>17 meeting to speak with her about Defendant</p> <p>18 Halcovage's comment concerning Ms. Casey, right?</p> <p>19 A. Yes.</p> <p>20 Q. And there was the same kind of</p> <p>21 engagement regarding requests for an attorney and</p> <p>22 a witness with Jane Doe 4 and you, correct?</p> <p>23 A. Yes.</p> <p>24 Q. And ultimately she was -- both Jane Doe</p>	<p style="text-align: right;">Page 573</p> <p>1 concluded your investigation come to a conclusion</p> <p>2 and informed Ms. Casey of what had occurred,</p> <p>3 correct?</p> <p>4 A. Yes.</p> <p>5 Q. You would agree that that's pretty</p> <p>6 prompt as per the policy, right?</p> <p>7 A. Yes.</p> <p>8 MS. PIPAK: Objection to the form.</p> <p>9 Go ahead.</p> <p>10 BY MS. SMITH:</p> <p>11 Q. And would you say that the policy --</p> <p>12 that your notification to Maria Casey about the</p> <p>13 investigation, its conclusion and the outcomes,</p> <p>14 was done pursuant to the county policy?</p> <p>15 A. Yes.</p> <p>16 Q. Because notifying a reporter, or victim,</p> <p>17 a complainant about the status of their complaint</p> <p>18 is important.</p> <p>19 MS. PIPAK: Object to the form.</p> <p>20 THE WITNESS: Yes, that is typical</p> <p>21 protocol. Yes.</p> <p>22 BY MS. SMITH:</p> <p>23 Q. Ms. Casey responds to you and indicates</p> <p>24 that she believes that Defendant Halcovage's</p>



<p>Page 574</p> <p>1 comments rose to the level of threatening</p> <p>2 non-consensual sodomy and asked you what</p> <p>3 appropriate action had been taken to ensure that</p> <p>4 this conduct does not occur in the future.</p> <p>5 Did you ever inform -- respond to Ms.</p> <p>6 Casey and inform her what the action --</p> <p>7 appropriate action is that you had referred to?</p> <p>8 A. I don't recall if I responded to her or</p> <p>9 not.</p> <p>10 Q. Do you recall what the appropriate</p> <p>11 action -- because in your e-mail on Friday,</p> <p>12 April 23rd, it says appropriate action had been</p> <p>13 taken to ensure that such conduct does not occur</p> <p>14 in the workplace in the future.</p> <p>15 What appropriate action had been taken?</p> <p>16 A. Mr. Halcavage was advised that he needed</p> <p>17 to make professional remarks regarding employees,</p> <p>18 not inappropriate or unprofessional remarks in the</p> <p>19 workplace.</p> <p>20 Q. Other than on this occasion regarding</p> <p>21 the investigation to Maria Casey's complaint was,</p> <p>22 did you ever inform Defendant Halcavage that he</p> <p>23 was to engage in professional conduct?</p> <p>24 A. Yeah, I believe that's kind of what I</p>	<p>Page 576</p> <p>1 referral?</p> <p>2 A. I don't know if I received</p> <p>3 correspondence. I know that the -- I did have a</p> <p>4 conversation with my Mike O'Pake, that he -- that</p> <p>5 the information was forwarded to him. What he did</p> <p>6 with it, I don't know.</p> <p>7 Q. Did you ever follow up?</p> <p>8 A. No, I did not. That I can recall, I</p> <p>9 don't think I did.</p> <p>10 MS. SMITH: I'll mark Zula 1090 as</p> <p>11 exhibit 176.</p> <p>12 - - -</p> <p>13 (Zula 1090 marked as Exhibit-176 for</p> <p>14 identification.)</p> <p>15 - - -</p> <p>16 BY MS. SMITH:</p> <p>17 Q. Ms. Zula, do you recognize this e-mail?</p> <p>18 A. Yes.</p> <p>19 Q. Is this e-mail what you were referring</p> <p>20 to when you said that you instructed Defendant</p> <p>21 Halcavage to engage in -- to remind him to engage</p> <p>22 in professional and appropriate conduct while in</p> <p>23 the workplace?</p> <p>24 A. Yes.</p>
<p>Page 575</p> <p>1 just said. Yes, that he was to not -- to be</p> <p>2 professional towards other people in the</p> <p>3 workplace.</p> <p>4 Q. Right. I said other than on this -- you</p> <p>5 spoke with him regarding Maria Casey's complaints</p> <p>6 and told him to be professional, correct?</p> <p>7 A. Yes.</p> <p>8 Q. Other than in regards to Ms. Casey's</p> <p>9 complaints, did you ever instruct Defendant</p> <p>10 Halcavage to be professional?</p> <p>11 A. I don't recall anything.</p> <p>12 Q. Okay.</p> <p>13 Did you -- sorry, I'm going back to that</p> <p>14 one. Ms. Casey appears, based on your remail,</p> <p>15 requested that her complaint be forwarded to the</p> <p>16 district attorney's office.</p> <p>17 Did you ever do that?</p> <p>18 A. Yes.</p> <p>19 Q. And did you ever receive correspondence</p> <p>20 from them?</p> <p>21 A. No, I did not receive correspondence</p> <p>22 from the district attorney's office.</p> <p>23 Q. Did you receive any correspondence from</p> <p>24 any other law enforcement body regarding the</p>	<p>Page 577</p> <p>1 Q. Other than this communication, did you</p> <p>2 have any other conversations or communications</p> <p>3 with Defendant Halcavage regarding Ms. Casey's</p> <p>4 allegations?</p> <p>5 A. I interviewed him as part of the</p> <p>6 investigation.</p> <p>7 Q. Okay.</p> <p>8 So you interviewed Jane Doe 3, Jane Doe</p> <p>9 4, Ms. Casey and Defendant Halcavage?</p> <p>10 A. Yes.</p> <p>11 Q. And those were all of the parties that</p> <p>12 were involved in this report, correct?</p> <p>13 A. Yes.</p> <p>14 Q. Were interview notes taken?</p> <p>15 A. I believe they were, yes.</p> <p>16 Q. Was a memo or summary or conclusion</p> <p>17 report drafted?</p> <p>18 A. I believe there was, yes.</p> <p>19 Q. Okay.</p> <p>20 And that's typical protocol. The county</p> <p>21 and the HR office regarding investigations and</p> <p>22 complaint is to interview all parties involved,</p> <p>23 find out the facts, and then issue a conclusory</p> <p>24 finding?</p>



<p>Page 578</p> <p>1 MS. PIPAK: Object to the form.</p> <p>2 THE WITNESS: Yes. For some</p> <p>3 complaints, yes. For inquiries that are made</p> <p>4 regarding certain issues, a formal investigation</p> <p>5 would not have been conducted in all situations,</p> <p>6 and a formal investigation report would have</p> <p>7 been -- would not have been prepared in all</p> <p>8 situations. In this situation it was.</p> <p>9 BY MS. SMITH:</p> <p>10 Q. When you spoke with Defendant Halcovage,</p> <p>11 was he made aware that Ms. Casey had made the</p> <p>12 allegation report to you?</p> <p>13 A. Yes. I believe so, yes. I indicated</p> <p>14 that I received this complaint, explained to him</p> <p>15 the information, and -- well, asked him first if</p> <p>16 he recalled making any comments such as this. And</p> <p>17 I don't know if I informed him that Ms. Casey told</p> <p>18 me of the report. That I don't recall. But I</p> <p>19 know we talked about the information that was</p> <p>20 provided.</p> <p>21 Q. And that information that was provided</p> <p>22 was that Jane Doe 4 and Jane Doe 3 had heard,</p> <p>23 observed him make the statement about Ms. Casey,</p> <p>24 correct?</p>	<p>Page 580</p> <p>1 that you made a comment about Ms. Casey to county</p> <p>2 employees that could be construed as being</p> <p>3 inappropriate and unprofessional for the</p> <p>4 workplace.</p> <p>5 So based off of your investigation and</p> <p>6 the interviews, you found that these comments by</p> <p>7 Defendant Halcovage had been made?</p> <p>8 A. That some version of the comment had</p> <p>9 been made. I don't know -- I didn't find what the</p> <p>10 exact comment was because there were differing</p> <p>11 stories. But I do believe and that an</p> <p>12 inappropriate and unprofessional comment for the</p> <p>13 workplace was made about Ms. Casey.</p> <p>14 Q. Ms. Casey wasn't actually there for the</p> <p>15 comment, correct?</p> <p>16 A. To my knowledge, no.</p> <p>17 Q. Okay.</p> <p>18 And so the belief that some version of</p> <p>19 an inappropriate comment had been made came from</p> <p>20 Jane Doe 4 and Jane Doe 3?</p> <p>21 A. Yes.</p> <p>22 Q. Did Defendant Halcovage deny it?</p> <p>23 A. He denied making the comment as it was</p> <p>24 written. I believe he said he may have been kind</p>
<p>Page 579</p> <p>1 MS. PIPAK: Object to the form. Go</p> <p>2 ahead.</p> <p>3 THE WITNESS: Yes, I interviewed</p> <p>4 them first to obtain the information that they</p> <p>5 had, and then I interviewed Mr. Halcovage last.</p> <p>6 BY MS. SMITH:</p> <p>7 Q. Right. What I'm asking is Mr. Halcovage</p> <p>8 was made aware that Jane Doe 4 and Jane Doe 3 had</p> <p>9 been the ones to observe him make the statement,</p> <p>10 correct?</p> <p>11 A. I believe, yes, because it was a</p> <p>12 conversation that he allegedly had between both of</p> <p>13 them. So, yes, I would have had conversations</p> <p>14 with him as to whether or not he had these</p> <p>15 conversations with Jane Doe 4 or Jane Doe 3.</p> <p>16 Q. And did you inform Defendant Halcovage</p> <p>17 that you had interviewed Jane Doe 4 and Jane Doe</p> <p>18 3?</p> <p>19 A. I don't recall if I told him that or</p> <p>20 not.</p> <p>21 Q. And in your e-mail -- I'm sorry, going</p> <p>22 back to this exhibit in the middle. Based upon</p> <p>23 the findings of the investigation, it has been</p> <p>24 determined that sometime in June, 2019 or prior</p>	<p>Page 581</p> <p>1 of venting to them as they were friendly at the</p> <p>2 time, but he didn't recall making any kind of</p> <p>3 comment as Ms. Casey had alleged.</p> <p>4 Q. So he denied having said I'd like to</p> <p>5 stick a big one up her ass?</p> <p>6 A. Yes, from what I can recall.</p> <p>7 Q. Okay.</p> <p>8 So you found that Jane Doe 3 and Jane</p> <p>9 Doe 4 were more credible than Defendant Halcovage?</p> <p>10 MS. PIPAK: Object to the form. Go</p> <p>11 ahead.</p> <p>12 THE WITNESS: Yeah, I found that I</p> <p>13 believe during their conversation that Mr.</p> <p>14 Halcovage did make a comment that could be</p> <p>15 construed as being inappropriate and</p> <p>16 unprofessional.</p> <p>17 BY MS. SMITH:</p> <p>18 Q. So you believed Jane Doe 3 and Jane Doe</p> <p>19 4?</p> <p>20 A. Yes, I believed that during that</p> <p>21 exchange that he did make such a comment.</p> <p>22 Q. Commissioners have personnel files,</p> <p>23 right?</p> <p>24 A. I believe they do. Yes, they do.</p>

<p style="text-align: right;">Page 582</p> <p>1 Q. Were the interviews -- interview notes</p> <p>2 or anything connected with this investigation</p> <p>3 placed in Defendant Halcovage's personnel file?</p> <p>4 A. No.</p> <p>5 Q. Where were they placed?</p> <p>6 A. They would have been kept in the HR</p> <p>7 office in one of my files.</p> <p>8 Q. Why weren't they placed in Defendant</p> <p>9 Halcovage's file?</p> <p>10 A. I don't typically put any kind of</p> <p>11 investigatory information in personnel files.</p> <p>12 Personnel files are for employment actions that</p> <p>13 are taken against an employee. Or in regards to</p> <p>14 an employee. So there would have been an</p> <p>15 investigation file where those notes and documents</p> <p>16 were kept.</p> <p>17 Q. Would the e-mail that you sent to</p> <p>18 Defendant Halcovage have been placed in this</p> <p>19 personnel file?</p> <p>20 A. It wasn't disciplinary action. So, no.</p> <p>21 Q. Well, if somebody went back and looked</p> <p>22 at Defendant Halcovage's personnel file to figure</p> <p>23 out if any other allegations or reports had been</p> <p>24 made against him, how would they know where to</p>	<p style="text-align: right;">Page 584</p> <p>1 Q. So would it be under M, C, G, H?</p> <p>2 A. I don't recall.</p> <p>3 Q. So if a new HR director came in after</p> <p>4 you, how would they know where to look for this</p> <p>5 information?</p> <p>6 A. I don't know.</p> <p>7 Q. So how would they know as to what</p> <p>8 happened prior to their start to figure out how to</p> <p>9 handle the situation?</p> <p>10 MS. PIPAK: Object to form.</p> <p>11 THE WITNESS: They would have</p> <p>12 access to all the files that they can look</p> <p>13 through.</p> <p>14 BY MS. SMITH:</p> <p>15 Q. Well, the county has how many employees?</p> <p>16 MS. PIPAK: Object. Go ahead.</p> <p>17 THE WITNESS: Five hundred and</p> <p>18 some.</p> <p>19 BY MS. SMITH:</p> <p>20 Q. And how many files would you say exist</p> <p>21 in the HR office regarding personal matters?</p> <p>22 A. I don't know.</p> <p>23 Q. And so an HR person would just have to</p> <p>24 -- a new HR person would just have to guess to</p>
<p style="text-align: right;">Page 583</p> <p>1 look?</p> <p>2 MS. PIPAK: Objection to form. Go</p> <p>3 ahead.</p> <p>4 THE WITNESS: The files are kept in</p> <p>5 the HR office in a cabinet.</p> <p>6 BY MS. SMITH:</p> <p>7 Q. And are they stored chronologically by</p> <p>8 person? By -- how are they stored?</p> <p>9 MS. PIPAK: Object to the form. Go</p> <p>10 ahead.</p> <p>11 THE WITNESS: Alphabetically.</p> <p>12 BY MS. SMITH:</p> <p>13 Q. Alphabetically by a person's name? By</p> <p>14 --</p> <p>15 A. Yes. So that I put all of my files in a</p> <p>16 specific drawer related to topic, but most -- like</p> <p>17 information, overall complaints or notes, they</p> <p>18 would be kept together in, typically, by the</p> <p>19 person's name.</p> <p>20 Q. The accused or the accuser?</p> <p>21 A. In this case I think it was under Maria</p> <p>22 Casey and George Halcovage it was noted.</p> <p>23 Q. You placed a copy in both?</p> <p>24 A. No, it was one copy.</p>	<p style="text-align: right;">Page 585</p> <p>1 figure out where to look or --</p> <p>2 A. Um, no.</p> <p>3 MS. PIPAK: Objection to form. Go</p> <p>4 ahead.</p> <p>5 THE WITNESS: I believe that they</p> <p>6 would be able to go into that file and review</p> <p>7 those documents in that section of the file.</p> <p>8 There are other sections related to benefits.</p> <p>9 There's sections related to, you know, other HR</p> <p>10 topics. Salary information.</p> <p>11 BY MS. SMITH:</p> <p>12 Q. Going back to 175. Ms. Casey's e-mail</p> <p>13 in response to yours regarding the conclusion of</p> <p>14 the investigation on April 23rd states in the last</p> <p>15 sentence, Halcovage should be banned from the</p> <p>16 courthouse as he is a clear and present danger to</p> <p>17 the victim, me and others.</p> <p>18 Again in April of 2021 Defendant</p> <p>19 Halcovage was not being wanded when -- or entering</p> <p>20 through the metal detector, correct?</p> <p>21 A. Yes. Based on the information today,</p> <p>22 yes. No, he was not.</p> <p>23 Q. Okay.</p> <p>24 Did you at this point, April 23rd, 2021</p>

<p>Page 586</p> <p>1 approach anyone in the sheriff's department and</p> <p>2 ask that those restrictions be reinstated?</p> <p>3 A. No, I did not.</p> <p>4 Q. Did you know anyone who did?</p> <p>5 A. Not to my knowledge.</p> <p>6 Q. Did you make Defendant Bender aware of</p> <p>7 the outcome of your investigation?</p> <p>8 A. Yes. He was copied on the response.</p> <p>9 Q. And did you speak with him about it?</p> <p>10 A. Yes.</p> <p>11 Q. What was his position on it?</p> <p>12 A. I don't really know if he had a</p> <p>13 position. I informed him of the information that</p> <p>14 I found. I believe -- again I consulted with our</p> <p>15 attorney, and took this action that was noted here</p> <p>16 in the e-mail based upon my investigation and</p> <p>17 consultation.</p> <p>18 Q. Based off of your findings regarding</p> <p>19 Defendant Halcovage's behavior, did you reach out</p> <p>20 to anyone to determine what could be done</p> <p>21 regarding impeachment of Defendant Halcovage?</p> <p>22 A. No, I did not.</p> <p>23 Q. Do you understand what it takes to</p> <p>24 impeach an elected official?</p>	<p>Page 588</p> <p>1 MS. PIPAK: Object to the form. Go</p> <p>2 ahead.</p> <p>3 THE WITNESS: I don't know the</p> <p>4 actions that others took. I don't know.</p> <p>5 BY MS. SMITH:</p> <p>6 Q. But you don't have any knowledge of</p> <p>7 actions that were taken to do so?</p> <p>8 A. As far as impeachment?</p> <p>9 Q. Yes.</p> <p>10 A. No, not that I'm aware of.</p> <p>11 MS. SMITH: Okay.</p> <p>12 I'll mark as Exhibit-177, it's Zula</p> <p>13 1795.</p> <p>14 - - -</p> <p>15 (Zula 1795 marked as Exhibit-177 for</p> <p>16 identification.)</p> <p>17 - - -</p> <p>18 BY MS. SMITH:</p> <p>19 Q. Do you recognize this email, Ms. Zula?</p> <p>20 A. Yes.</p> <p>21 Q. In September of 2021 there was a meeting</p> <p>22 held in which you, Sherry Ditzler, Ms. Casey and</p> <p>23 Jane Doe 1 were all present at, correct?</p> <p>24 A. Yes.</p>
<p>Page 587</p> <p>1 A. I've learned about that just recently,</p> <p>2 yes.</p> <p>3 Q. Okay.</p> <p>4 When is just recently?</p> <p>5 A. I guess when the whole process started</p> <p>6 with Mr. Halcovage, it's currently ongoing.</p> <p>7 Q. The impeachment process?</p> <p>8 A. Yes.</p> <p>9 Q. So that was when you were still</p> <p>10 employed, correct?</p> <p>11 A. Yes. I believe it started when I was</p> <p>12 still employed.</p> <p>13 Q. Okay.</p> <p>14 And the impeachment process was not, at</p> <p>15 least -- nothing you did initiated the impeachment</p> <p>16 process, correct?</p> <p>17 MS. PIPAK: Object to the form. Go</p> <p>18 ahead.</p> <p>19 THE WITNESS: That's correct.</p> <p>20 BY MS. SMITH:</p> <p>21 Q. Okay.</p> <p>22 Do you know if anyone at the county ever</p> <p>23 took any actions to seek to have Defendant</p> <p>24 Halcovage impeached?</p>	<p>Page 589</p> <p>1 Q. And it was a disciplinary meeting of</p> <p>2 Jane Doe 1, correct?</p> <p>3 A. Yes.</p> <p>4 Q. Ms. Ditzler was there as representation</p> <p>5 -- union representation for Jane Doe 1, correct?</p> <p>6 A. Yes.</p> <p>7 Q. And Ms. Casey was there because the</p> <p>8 county permitted Jane Doe 1 to have an additional</p> <p>9 witness present, correct?</p> <p>10 A. I don't believe we permitted Ms. Casey</p> <p>11 to be there. She showed up to the meeting, and we</p> <p>12 indicated it was not appropriate for her to be</p> <p>13 there because her union representative was there,</p> <p>14 and that resulted in an exchange between Ms.</p> <p>15 Ditzler and Ms. Casey at this meeting.</p> <p>16 Q. And that exchange with Ms. Ditzler</p> <p>17 telling Ms. Casey, or in part Ms. Ditzler telling</p> <p>18 Ms. Casey to bite her ass?</p> <p>19 A. Yes.</p> <p>20 Q. Would you say that's inappropriate and</p> <p>21 unprofessional conduct?</p> <p>22 A. Yes.</p> <p>23 Q. Did you ever send Ms. Ditzler an e-mail</p> <p>24 similar to that that you sent to Defendant</p>

<p>Page 590</p> <p>1 Halcovage and remind her -- strike that.  2 Ms. Ditzler is an elected official?  3 A. No, Ms. Ditzler is an employee of an  4 elected official.  5 Q. Okay.  6 Did you ever send either Ms. Ditzler or  7 Ms. Ditzler's elected official's supervisor an  8 e-mail like you did Defendant Halcovage and remind  9 her that she should engage in appropriate and  10 professional conduct while in the workplace?  11 A. I don't know if it was in an e-mail.  12 However, I know that I did communicate with Ms.  13 Sharoyne Yackenchick who was the controller  14 regarding the interaction and the comment that was  15 made by Ms. Ditzler, and she indicated she would  16 be dealing with the situation.  17 Q. Did you ever inform Ms. Casey that was  18 what was going to occur?  19 A. I did not, no.  20 Q. Walk me through what exactly happened at  21 this meeting, or proceeding as Ms. Casey calls it?  22 MS. PIPAK: Object to the form. Go  23 ahead.  24 THE WITNESS: From what I recall,</p>	<p>Page 592</p> <p>1 A. Yes, I did tell her exactly what she  2 said, and -- I mean we had that conversation, that  3 it was inappropriate and unprofessional. We also  4 talked about like what her status in that meeting  5 was, whether it be as a union representative or as  6 an employee of the county. So I did also inform  7 the business agent or -- I think they call them  8 staff representatives for AFSCME, which is the  9 union that Ms. Ditzler and Jane Doe 1 were part  10 of, of the occurrence of the situation as well.  11 Q. And Ms. Yackenchick told you that she  12 would deal with it, correct?  13 A. Yes, she said she would handle the  14 situation.  15 Q. Did she tell you how she would deal with  16 it?  17 A. I don't believe so. I don't -- I know  18 we had discussions about whether she was there as  19 an employee of the county or an employee  20 representing the county, or whatever, a county  21 employee. Or as a union representative. But I  22 don't -- I think -- I think she may have sent an  23 e-mail back to Ms. Casey that I was copied on, but  24 I don't -- I don't believe she took any</p>
<p>Page 591</p> <p>1 we were to have a meeting. I don't even remember  2 what the specifics were about the disciplinary  3 issue, or the -- what we were questioning Jane Doe  4 1 on. However, upon scheduling it she had  5 Ms. Ditzler as her union representative show up,  6 and then Ms. Casey also came, and I indicated it  7 would not be appropriate for Ms. Casey to be there  8 as she already had her certified bargaining agent  9 present. And then the exchange -- that's when the  10 exchange happened between Ms. Ditzler and Ms.  11 Casey. And after that I don't even recall what  12 occurred beyond that meeting.  13 BY MS. SMITH:  14 Q. In the meeting did you tell Ms. Ditzler  15 that she was being inappropriate and  16 unprofessional?  17 A. I believe I -- I don't know if I used  18 those terms, but I did indicate we need to watch  19 what we say and we can't be yelling. Because they  20 were yelling and screaming at each other. Both of  21 them.  22 Q. Did you ever tell Ms. Yackenchick that  23 you thought that the comment Ms. Ditzler made was  24 inappropriate and unprofessional?</p>	<p>Page 593</p> <p>1 disciplinary action against Ms. Ditzler from what  2 I can recall.  3 Q. Do you believe that disciplinary action  4 was warranted?  5 A. I mean, I believe that she should have  6 been told that her actions were unprofessional and  7 inappropriate. Whether that rose to some sort of  8 reprimand or not, I don't know.  9 Q. If you had -- if she wasn't an employee  10 under an elected official, would you have written  11 her up?  12 A. I would have put something in -- yeah, I  13 would have most likely issued her some sort of  14 reprimand.  15 Q. Did you document your discussion with  16 Ms. Yackenchick?  17 A. I don't know if I sent an e-mail or if  18 we just had a -- I know we had a conversation for  19 sure, but I don't recall if I sent any e-mail to  20 her.  21 Q. Did you place it in any sort of file  22 anywhere?  23 A. Not that I can recall.  24 MS. SMITH: I'm going to mark as</p>



<p>Page 594</p> <p>1 178, as Zula 1830.</p> <p>2 - - -</p> <p>3 (Zula 1830 marked as Exhibit-178 for</p> <p>4 identification.)</p> <p>5 - - -</p> <p>6 BY MS. SMITH:</p> <p>7 Q. Let's look back at 177, Ms. Casey's</p> <p>8 initial report to you is on September 14th, 2021,</p> <p>9 and then we have 178 which is an e-mail from Ms.</p> <p>10 Casey on September 17th, 2021.</p> <p>11 Do you know if at any point between</p> <p>12 September 14th and September 17th you spoke with</p> <p>13 Ms. Casey to inform her that you had addressed the</p> <p>14 issue with Ms. Yackenchick and the union, the</p> <p>15 AFSCME employee or supervisor, I forget what you</p> <p>16 call them.</p> <p>17 A. Well, the exhibit 177 was not addressed</p> <p>18 to me. It was addressed to Ms. Yackenchick. I</p> <p>19 was just copied on the communication. The 17th</p> <p>20 e-mail of exhibit 178 was directed to me, and I do</p> <p>21 not believe that -- I believe I did at some point</p> <p>22 respond to Ms. Casey's inquiry. I don't exactly</p> <p>23 recall when it was though.</p> <p>24 MS. SMITH: I'm going to mark Zula</p>	<p>Page 596</p> <p>1 an expletive ladened exchange?</p> <p>2 A. I don't think it was expletive ladened</p> <p>3 from what I can recall. She did as -- she was --</p> <p>4 as she was talking to Maria, she was also talking</p> <p>5 to Jane Doe 1 and she did, you know, have an</p> <p>6 exchange with her. I don't recall it being</p> <p>7 expletive ladened though from what I can recall.</p> <p>8 Q. Was it unprofessional?</p> <p>9 A. I don't know if it was unprofessional.</p> <p>10 I mean she was loud in her discussion, but it</p> <p>11 wasn't expletive ladened. Or I don't think she</p> <p>12 made any comments such as she made to Ms. Casey.</p> <p>13 Q. Do you recall if she used any profanity</p> <p>14 in speaking with Jane Doe 1?</p> <p>15 A. Not that I recall.</p> <p>16 Q. Do you believe that Ms. Ditzler during</p> <p>17 that meeting was there representing Jane Doe 1's</p> <p>18 interests to the best of her ability?</p> <p>19 MS. PIPAK: Objection to the form.</p> <p>20 You can answer, if you can.</p> <p>21 THE WITNESS: That's not my call to</p> <p>22 make. I mean she was there on behalf of the union</p> <p>23 representing that employee.</p> <p>24 BY MS. SMITH:</p>
<p>Page 595</p> <p>1 1908 as 179.</p> <p>2 - - -</p> <p>3 (Zula 1908 marked as Exhibit-179 for</p> <p>4 identification.)</p> <p>5 - - -</p> <p>6 BY MS. SMITH:</p> <p>7 Q. This is an e-mail from Ms. Casey to you</p> <p>8 on October 6th, 2021, correct?</p> <p>9 A. Yes.</p> <p>10 Q. Ms. Casey in her first sentence</p> <p>11 indicates you have not responded to my complaints</p> <p>12 about Sherry Ditzler for her violent and</p> <p>13 aggressive behavior during the meeting with you</p> <p>14 and Jane Doe 1.</p> <p>15 Any reason to believe that, in fact,</p> <p>16 between September 14th -- September 17th and</p> <p>17 October 6th, 2021 you had, in fact, responded to</p> <p>18 Ms. Casey?</p> <p>19 A. No.</p> <p>20 Q. In the last sentence of that paragraph</p> <p>21 it states you were also there when she launched</p> <p>22 into an expletive ladened exchange directed</p> <p>23 against Jane Doe 1.</p> <p>24 Do you contest Ms. Ditzler launched into</p>	<p>Page 597</p> <p>1 Q. But based off of her conduct towards</p> <p>2 Jane Doe 1, meaning based off Ms. Ditzler's</p> <p>3 conduct towards Jane Doe 1, do you kneel that Jane</p> <p>4 Doe 1 had adequate representation, union</p> <p>5 representation?</p> <p>6 MS. PIPAK: Object to the form.</p> <p>7 You can answer.</p> <p>8 THE WITNESS: I mean do I feel it</p> <p>9 was appropriate for Ms. Ditzler to do what she</p> <p>10 did? No, I don't. Whether or not it was adequate</p> <p>11 union representation, I don't know. I don't know</p> <p>12 what the union, you know, expects of their</p> <p>13 representatives from their perspective.</p> <p>14 BY MS. SMITH:</p> <p>15 Q. Do you recall exactly what Ms. Ditzler</p> <p>16 said to Jane Doe 1?</p> <p>17 A. No, I don't recall the exact exchange.</p> <p>18 Q. Do you recall -- I don't know if it was</p> <p>19 that meeting or another meeting. Do you recall</p> <p>20 referring -- yourself referring to Jane Doe 1 as a</p> <p>21 princess?</p> <p>22 A. Me?</p> <p>23 Q. Yes.</p> <p>24 A. No, I do not.</p>



<p style="text-align: right;">Page 598</p> <p>1 MS. SMITH: I'm going to mark Zula</p> <p>2 1956 and 57 as 180.</p> <p>3 - - -</p> <p>4 (Zula 1956-1957 marked as Exhibit-180</p> <p>5 for identification.)</p> <p>6 - - -</p> <p>7 BY MS. SMITH:</p> <p>8 Q. Do you recognize this e-mail exchange?</p> <p>9 A. Yes.</p> <p>10 Q. The last e-mail Ms. Casey sent to you</p> <p>11 was on October 6th, 2021 regarding this matter,</p> <p>12 and she then sends you another e-mail on</p> <p>13 October 22nd, 2021 stating that many e-mails have</p> <p>14 been sent to you regarding the hostile work</p> <p>15 environment you are fostering with Ms. Ditzler and</p> <p>16 others against me.</p> <p>17 Any reason to believe you replied to Ms.</p> <p>18 Casey between October 6th and October 22nd?</p> <p>19 A. No.</p> <p>20 Q. Why didn't you?</p> <p>21 A. I didn't believe I needed to reply to</p> <p>22 her. The situation, as she's clearly aware,</p> <p>23 Ms. Ditzler is an employee of an elected official</p> <p>24 who handles her employees. Ms. Casey, through her</p>	<p style="text-align: right;">Page 600</p> <p>1 Yackenchick and the AFSCME individual, correct?</p> <p>2 MS. PIPAK: Object to the form. I</p> <p>3 don't know if I understand. I'm sorry, I just</p> <p>4 didn't --</p> <p>5 BY MS. SMITH:</p> <p>6 Q. Nothing in this e-mail to Ms. Casey</p> <p>7 indicates, as you testified, that you had spoken</p> <p>8 with Ms. Yackenchick and the AFSCME</p> <p>9 representative, correct?</p> <p>10 A. Yes, that's not indicated in the e-mail.</p> <p>11 Q. Is it documented anywhere that you took</p> <p>12 those alleged actions?</p> <p>13 A. I don't recall if I sent any e-mails to</p> <p>14 anybody, but I know I had conversations with Ms.</p> <p>15 Payne Rigby and Ms. Yackenchick.</p> <p>16 Q. So Ms. Rigby would the AFSCME</p> <p>17 representative you spoke with?</p> <p>18 A. Yes.</p> <p>19 Q. Do you believe that Ms. Ditzler's</p> <p>20 comments during the meeting violated a county</p> <p>21 policy?</p> <p>22 MS. PIPAK: Object to the form.</p> <p>23 You can answer.</p> <p>24 THE WITNESS: Yeah, I believe the</p>
<p style="text-align: right;">Page 599</p> <p>1 own accord, has told me on numerous occasions that</p> <p>2 I have no control over what her employees do.</p> <p>3 And, therefore, the same would apply to Ms.</p> <p>4 Yackenchick.</p> <p>5 Q. You did eventually reply with those</p> <p>6 exact sentiments on October 22nd, correct?</p> <p>7 A. Yes.</p> <p>8 Q. So why as of September 17th couldn't you</p> <p>9 have just sent that e-mail to Ms. Casey?</p> <p>10 A. I don't know. I didn't.</p> <p>11 Q. And then on October 6th why couldn't you</p> <p>12 have just sent that same e-mail to Ms. Casey?</p> <p>13 A. I don't know.</p> <p>14 Q. Your response to Ms. Casey indicates</p> <p>15 that prior -- or states prior to making this</p> <p>16 request you had already provided this information</p> <p>17 to Ms. Yackenchick who serves as Ms. Ditzler's</p> <p>18 immediate supervisor. And then goes on to state</p> <p>19 essentially the 1620 rights and why you couldn't</p> <p>20 take action, correct?</p> <p>21 A. Yes.</p> <p>22 Q. Nothing in this e-mail informs Ms. Casey</p> <p>23 that in addition to the fact that you can't take</p> <p>24 action, you at least had conversations with Ms.</p>	<p style="text-align: right;">Page 601</p> <p>1 Code of Conduct policy does reference about being</p> <p>2 professional in the workplace. So, yes, it could</p> <p>3 be deemed as a violation of the policy.</p> <p>4 MS. SMITH: I'm going to mark Zula</p> <p>5 2498 as 181.</p> <p>6 - - -</p> <p>7 (Zula 2498 marked as Exhibit-181 for</p> <p>8 identification.)</p> <p>9 - - -</p> <p>10 BY MS. SMITH:</p> <p>11 Q. Do you recognize this e-mail?</p> <p>12 A. Yes.</p> <p>13 Q. This is a e-mail from Jane Doe 2 to you</p> <p>14 on June 3rd, 2021 about and incident involving her</p> <p>15 and Jane Doe 1, and their citing of Defendant</p> <p>16 Halcove, correct?</p> <p>17 A. Yes.</p> <p>18 Q. Did you ever investigate this report?</p> <p>19 A. Yes. I discussed the information that</p> <p>20 she provided Deputy Tobin from the sheriff's</p> <p>21 office.</p> <p>22 Q. Did you discuss it with anyone else?</p> <p>23 A. I'm not certain if I -- I believe I did</p> <p>24 talk to both Jane Doe 1 and Jane Doe 2, because I</p>

Page 602	Page 604
<p>1 think I went down to the office to determine, you</p> <p>2 know, what they saw in addition to looking -- or</p> <p>3 talking to Sher -- or Deputy Tobin regarding any</p> <p>4 video footage that was available.</p> <p>5 Q. So let's start with that last part.</p> <p>6 Was there video footage available?</p> <p>7 A. Not to my knowledge, no.</p> <p>8 Q. Okay.</p> <p>9 And you said you do believe you spoke</p> <p>10 with Jane Doe 1 and Jane Doe 2?</p> <p>11 A. Yes, I do believe I did.</p> <p>12 Q. Did you speak with Defendant Halcovage?</p> <p>13 A. I believe I did, yes.</p> <p>14 Q. Did you interview each of those</p> <p>15 individuals?</p> <p>16 A. I know we had a conversation. I guess</p> <p>17 they could be deemed interviews.</p> <p>18 Q. Did you take notes?</p> <p>19 A. I don't recall.</p> <p>20 Q. Did you come to a conclusion and write a</p> <p>21 report?</p> <p>22 A. I didn't write a report, no.</p> <p>23 Q. Did you come to a conclusion?</p> <p>24 A. I believe that Mr. Halcovage was driving</p>	<p>1 building, I believe. I think this is that</p> <p>2 situation. Not exactly certain, but that he was</p> <p>3 driving down the road and was there and that was</p> <p>4 it.</p> <p>5 Q. Did you ask him if he had taken pictures</p> <p>6 of 410 building?</p> <p>7 A. I don't rail.</p> <p>8 Q. Did you ask him if a few minutes later</p> <p>9 he drove back the opposite way?</p> <p>10 A. I would have asked him about this</p> <p>11 situation that was here, but I don't recall the</p> <p>12 specifics of our conversation.</p> <p>13 Q. Do you recall if he denied having his --</p> <p>14 or admitted to having his left arm fully extended</p> <p>15 out the window with his phone in his hand?</p> <p>16 A. I believe he may have said he had his</p> <p>17 arm out the window, not with his phone. I don't</p> <p>18 believe that was an issue, something that he had</p> <p>19 admitted to, no.</p> <p>20 Q. Did he admit that he approached the</p> <p>21 Giant lot where Jane Doe 1 and Jane Doe 2's cars</p> <p>22 had been parked?</p> <p>23 A. If I'm recalling this situation</p> <p>24 correctly, I believe this was a situation where I</p>
Page 603	Page 605
<p>1 down the road and he wasn't -- he's permitted to</p> <p>2 drive down the road. It's a public road. I can't</p> <p>3 stop him from doing that. I don't know how. Just</p> <p>4 by looking out the window they saw him, but they</p> <p>5 did. So there was really to further action I</p> <p>6 believe that the county needed to take at that</p> <p>7 point.</p> <p>8 Q. Was there an investigation file placed</p> <p>9 in that cabinet that's alphabetized as you were</p> <p>10 indicating?</p> <p>11 A. I believe this document was kept on</p> <p>12 file.</p> <p>13 Q. And what file or what cabinet would that</p> <p>14 be?</p> <p>15 A. I don't recall. I don't know if there</p> <p>16 is an actual file in there with this documentation</p> <p>17 in there.</p> <p>18 Q. Okay.</p> <p>19 What was -- so other than saying he had,</p> <p>20 in fact, driven down the road, I think is what you</p> <p>21 indicated, what else did Defendant Halcovage tell</p> <p>22 you?</p> <p>23 A. I don't recall. I think the situation</p> <p>24 was it's his eye doctor that's located behind that</p>	<p>1 think his eye doctor was there, I think this is</p> <p>2 the situation, and that's why he was in that</p> <p>3 parking lot.</p> <p>4 Q. Do you know, is there an eye doctor in</p> <p>5 that parking lot?</p> <p>6 A. Yes, there is.</p> <p>7 Q. What doctor?</p> <p>8 A. I think it's Dr. Lu's office, I believe.</p> <p>9 Q. And it's the same lot or shopping center</p> <p>10 as the Giant?</p> <p>11 A. Yeah, there used to be a Giant and then</p> <p>12 a big parking lot, and then I think it's the eye</p> <p>13 doctor's office is in the back of the parking lot</p> <p>14 which is behind the 410 building across the</p> <p>15 street.</p> <p>16 Q. Did you believe Defendant Halcovage when</p> <p>17 he was explaining his side of the story?</p> <p>18 A. Yes. It seemed to make sense, yes.</p> <p>19 Q. Did you ever call the doctor, eye doctor</p> <p>20 and see if he had eye appointment that day?</p> <p>21 A. No, I did not.</p> <p>22 Q. Did you ask Defendant Halcovage to</p> <p>23 provide you paperwork that said he had an</p> <p>24 appointment that day?</p>

<p>Page 606</p> <p>1 A. No.</p> <p>2 Q. Did you ever ask to see his phone to see</p> <p>3 if there were any videos or photos of the 410</p> <p>4 building or Jane Doe 1 or Jane Doe 2?</p> <p>5 A. No, I did not.</p> <p>6 Q. Were you involved in -- oh, let's go</p> <p>7 through, before we get started on another topic.</p> <p>8 Let's clarify a few questions, clarifying</p> <p>9 questions.</p> <p>10 MS. SMITH: I'm going to mark</p> <p>11 SC1213 and 1214 as 182.</p> <p>12 - - -</p> <p>13 (SC1213-1214 marked as Exhibit-182 for</p> <p>14 identification.)</p> <p>15 - - -</p> <p>16 BY MS. SMITH:</p> <p>17 Q. Ms. Zula, do you recognize this</p> <p>18 document?</p> <p>19 A. Yes.</p> <p>20 Q. This document is similar -- it's a</p> <p>21 Schuylkill County Job Classification Description</p> <p>22 for Field Appraiser, correct?</p> <p>23 A. Yes.</p> <p>24 Q. And we had looked at the chief assessor</p>	<p>Page 608</p> <p>1 Q. Okay.</p> <p>2 So, again, can you me why based off the</p> <p>3 fact that this has that three-year grace period,</p> <p>4 did you believe that it was sufficient -- that you</p> <p>5 could permit Mr. Hatter to not hold a CPE license</p> <p>6 when being hired?</p> <p>7 A. We did not have any certified applicants</p> <p>8 for the position, and we did have Mr. Alu still</p> <p>9 working at the county to serve in that capacity.</p> <p>10 Q. And when was Mr. Alu's employment or</p> <p>11 contract with the county over?</p> <p>12 A. I don't recall. I believe it was</p> <p>13 extended. I want to say it was probably sometime</p> <p>14 the end of August, and then it was extended. So</p> <p>15 I'm not exactly sure when it actually ended.</p> <p>16 Q. Do you know when it was extended, how</p> <p>17 long it was extended?</p> <p>18 A. No, I don't recall.</p> <p>19 Q. In July, 2021 do you recall the county</p> <p>20 hiring a Jim Gustus?</p> <p>21 A. Yes.</p> <p>22 Q. Mr. Gustus was, in fact, hired by the</p> <p>23 county, correct?</p> <p>24 A. Yes.</p>
<p>Page 607</p> <p>1 one before. The chief assessor position</p> <p>2 classification description stated must have a</p> <p>3 certified Pennsylvania evaluator's license.</p> <p>4 Do you recall that?</p> <p>5 A. Yes.</p> <p>6 Q. This one here, the field appraiser one,</p> <p>7 says must have a certified Pennsylvania</p> <p>8 evaluator's license, or be willing to obtain the</p> <p>9 CPE license within three years of employment with</p> <p>10 the county.</p> <p>11 Do you see that?</p> <p>12 A. Yes.</p> <p>13 Q. So there is a very clear distinction of</p> <p>14 a must do and an alternative option in this one,</p> <p>15 correct?</p> <p>16 A. Yes.</p> <p>17 MS. PIPAK: Object to the form. Go</p> <p>18 ahead.</p> <p>19 BY MS. SMITH:</p> <p>20 Q. That similar alternative language is not</p> <p>21 in the chief assessor position, correct?</p> <p>22 A. Yes.</p> <p>23 Q. Yes, it's not, right?</p> <p>24 A. You're correct.</p>	<p>Page 609</p> <p>1 Q. Was he hired and then left? Or was</p> <p>2 there some gap in his employment at some -- not --</p> <p>3 I'm sorry, in post 2021. Because before that he</p> <p>4 had been an employee of the county, correct?</p> <p>5 MS. PIPAK: Object to the form. Go</p> <p>6 ahead.</p> <p>7 THE WITNESS: So he was an employee</p> <p>8 of county at some point. I don't know when.</p> <p>9 BY MS. SMITH:</p> <p>10 Q. Many years ago, right?</p> <p>11 A. He retired is my understanding.</p> <p>12 Q. Like many years ago, correct?</p> <p>13 A. Yes.</p> <p>14 Q. And then he came back in July, 2021?</p> <p>15 A. Yes. I believe it was requested he come</p> <p>16 back in July of 2021, yes.</p> <p>17 Q. Do you know who requested he come back?</p> <p>18 A. I don't recall who exactly was the one</p> <p>19 requesting it.</p> <p>20 Q. He came back to help train field</p> <p>21 assessors, correct?</p> <p>22 A. Field appraisers, yes.</p> <p>23 Q. Okay.</p> <p>24 And do you know if he's -- at least when</p>

<p>Page 610</p> <p>1 you left in May, 2022, was he still employed 2 there?</p> <p>3 A. I don't know. I don't recall. I don't 4 believe he worked much when he did come back, from 5 what I can recall. I don't know how many hours he 6 worked and how many he didn't and if he was still 7 being utilized. I believe he was still on the 8 payroll, yes.</p> <p>9 MS. SMITH: I'm going to mark Zula 10 2635 through to 2637 as 183. 11 --- 12 (Zula 2635-2637 marked as Exhibit-183 13 for identification.) 14 ---</p> <p>15 BY MS. SMITH:</p> <p>16 Q. Flip to the last page, which is the 17 first e-mail. The date is on the second page. On 18 July 8th, 2021, Jane Doe 4 reported to you that 19 Jim Gustus had been inappropriate with her and 20 other woman, including Jane Doe 1, when he was a 21 field assessor. And she was also aware that an 22 employee from the reassessment company had 23 complained about his inappropriate behavior. Is 24 that correct?</p>	<p>Page 612</p> <p>1 A. She indicated that there were some 2 complaints, to her knowledge. However, she 3 doesn't believe that they rose to anything that, 4 you know, was -- any action was taken. And then I 5 did do further research, and I believe I did find 6 a document, and I don't recall where it was, that 7 Jane Doe 4 was questioned, and she indicated she 8 had no concerns about Mr. Gustus. I believe that 9 was the situation.</p> <p>10 Q. Did you speak with Mr. Murray? 11 A. With who? 12 Q. Ms. Murray. 13 A. No, I did not. 14 Q. Ms. Murray, in fact, at the beginning of 15 your employment, of your employment, was not 16 employed by the county, correct? 17 A. No. 18 Q. But during your employment she did come 19 back as a -- did she come back as a per diem or a 20 contractor? 21 A. She came back, I believe, as a 22 contractor as well. 23 Q. Do you recall when that was? 24 A. No, I don't recall the dates.</p>
<p>Page 611</p> <p>1 A. Yes. 2 Q. On July 13th, on page 2 you informed 3 Jane Doe 4 that you reviewed files in the HR 4 office and had been unable to find information, so 5 she -- you asked her some questions about whether 6 she reported it, to whom, and also asked her to 7 provide a detailed account of the inappropriate 8 behavior of Mr. Gustus; is that correct? 9 A. Yes. 10 Q. And Ms. Jane Doe 4 did, in fact, that 11 same day provide you with a detailed account. 12 Would you agree? 13 A. Yes. 14 Q. In that detailed account she indicates 15 that when he worked there he would constantly 16 stare at the chests of women when speaking with 17 them, and that Ms. Murray and Ms. Zimmerman could 18 confirm this. 19 Did you ever speak with Ms. Murray or 20 Ms. Zimmerman? 21 A. I believe I spoke with Ms. Zimmerman, 22 yes. 23 Q. And what did you indicate to you about 24 Mr. Gustus?</p>	<p>Page 613</p> <p>1 Q. Do you remember if, in fact, at the time 2 of this July incident, or report I should call it, 3 was Ms. Murray an employee or contractor? 4 A. I don't recall. 5 Q. Okay. 6 In any event, when she did come back did 7 you ever speak with her about -- 8 A. No, I did not. Not to my recollection. 9 Q. Jane Doe 4 also speaks about Jane Doe 1 10 and her experience with Mr. Gustus, correct? 11 A. Yes. 12 Q. Did you ever speak with Jane Doe 1 about 13 Mr. Gustus? 14 A. No, I did not. 15 Q. Did you -- Jane Doe 1 also indicates 16 that there was a third party. Helene O'Connor 17 would be able to provide the reassessment company 18 information Jane Doe 4 indicates, and that Helene 19 O'Connor knew a woman named Barbara who complained 20 to the then chief assessor. Do you see that? 21 A. Yes. 22 Q. Did you ever speak with Ms. O'Connor? 23 A. No. But we did attempt to contact -- I 24 did -- I believe -- I think -- I don't know who,</p>



<p style="text-align: right;">Page 614</p> <p>1 if it was Glenn Roth or whom, I was able to get</p> <p>2 the assessment company's number, and I believe</p> <p>3 we -- I did reach out to them and I was not able</p> <p>4 to be find anyone who had any information</p> <p>5 regarding that complaint that was filed.</p> <p>6 Q. When you spoke with Ms. Zimmerman, did</p> <p>7 you take any notes?</p> <p>8 A. I don't recall.</p> <p>9 Q. When you -- did you compile an</p> <p>10 investigation file to show that you made efforts</p> <p>11 to check the veracity of these claims?</p> <p>12 A. No, I did not.</p> <p>13 Q. Is there any documentation that would</p> <p>14 support your actions as it relates to the</p> <p>15 investigation into these claims?</p> <p>16 A. I don't believe there was any report. I</p> <p>17 did not prepare a report that I can recall. I</p> <p>18 don't know if there's any e-mails or anything that</p> <p>19 would be related to it.</p> <p>20 Q. Why didn't you speak with Jane Doe 1</p> <p>21 about what Jane Doe 4 said Mr. Gustus did to her?</p> <p>22 A. I don't know.</p> <p>23 Q. After Mr. Gustus started with the</p> <p>24 county, did you ever check in with assessment</p>	<p style="text-align: right;">Page 616</p> <p>1 was just me with him when he came in for his</p> <p>2 badge. Or if it was -- I don't believe Mr. Hatter</p> <p>3 was there during that conversation.</p> <p>4 BY MS. SMITH:</p> <p>5 Q. Did you ask Mr. Gustus if he had engaged</p> <p>6 in the conduct that Jane Doe 4 alleges?</p> <p>7 A. No, I didn't discuss the details of it</p> <p>8 with him.</p> <p>9 Q. Well, if he had engaged in the behavior,</p> <p>10 would you still have permitted him to work for the</p> <p>11 county?</p> <p>12 MS. PIPAK: Object to the form. Go</p> <p>13 ahead.</p> <p>14 THE WITNESS: I believe there was</p> <p>15 -- some of these claims were investigated based</p> <p>16 upon the information I found regarding Jane Doe 4</p> <p>17 saying she didn't have an issue. And so I didn't</p> <p>18 believe there was any further need to go further</p> <p>19 beyond what I did.</p> <p>20 BY MS. SMITH:</p> <p>21 Q. Well, what if Mr. Gustus had admitted to</p> <p>22 doing these things?</p> <p>23 MS. PIPAK: Object to the form.</p> <p>24 THE WITNESS: I didn't question</p>
<p style="text-align: right;">Page 615</p> <p>1 employees to find out if he, since being rehired,</p> <p>2 had engaged in an appropriate manner?</p> <p>3 A. I didn't question the employees. We did</p> <p>4 speak with -- I did speak with Mr. Gustus, and</p> <p>5 Mr. Hatter was made aware of the information that</p> <p>6 was provided. And we laid out -- I laid out what</p> <p>7 the expectation was for Mr. Gustus and his</p> <p>8 employment with the county as a per diem person.</p> <p>9 Q. Expectations, meaning just generally.</p> <p>10 Not specific to these allegations?</p> <p>11 A. No, expectations regarding his conduct</p> <p>12 towards other employees. That he needed to remain</p> <p>13 professional, and that he was not to be engaging</p> <p>14 in any sort of unprofessional action or touching</p> <p>15 other employees.</p> <p>16 Q. Was that -- were those expectations</p> <p>17 memorialized in any sort of document or were they</p> <p>18 verbal?</p> <p>19 A. No, they were verbal.</p> <p>20 Q. Who was present when you explained that</p> <p>21 to Mr. Gustus?</p> <p>22 MS. PIPAK: Object to the form. Go</p> <p>23 ahead.</p> <p>24 THE WITNESS: I don't know if it</p>	<p style="text-align: right;">Page 617</p> <p>1 him, so --</p> <p>2 BY MS. SMITH:</p> <p>3 Q. Well, if he had engaged -- if he -- if</p> <p>4 you had questioned him and he had admitted he</p> <p>5 engaged in this behavior, what would your</p> <p>6 recommendation have been regarding --</p> <p>7 MS. PIPAK: Object to the form.</p> <p>8 BY MS. SMITH:</p> <p>9 Q. -- his employment with the county?</p> <p>10 MS. PIPAK: Object to the form.</p> <p>11 THE WITNESS: So if he would have</p> <p>12 admitted to doing these things, I don't know. I</p> <p>13 would have to probably have a lot more specifics</p> <p>14 regarding the situation before I would know what I</p> <p>15 would have done. But, I mean, I think I still --</p> <p>16 he would have been told of what the expectations</p> <p>17 were. I don't know if we would have allowed him</p> <p>18 to remain employed as a per diem person or not.</p> <p>19 BY MS. SMITH:</p> <p>20 Q. Do per diems require a PARS?</p> <p>21 A. Yes.</p> <p>22 Q. So Mr. Gustus was placed on a par?</p> <p>23 A. Yes.</p> <p>24 Q. Do you know when?</p>



<p>Page 618</p> <p>1 A. I don't know the exact date.</p> <p>2 Q. Prior to -- so the par would have</p> <p>3 required a vote by the commissioners, correct?</p> <p>4 A. Yes.</p> <p>5 Q. Were the commissioners informed of</p> <p>6 these -- of Jane Doe 4's reports and any</p> <p>7 subsequent investigation you did before they voted</p> <p>8 on his par?</p> <p>9 A. I don't know when we voted on his par.</p> <p>10 The commissioners, minus Commissioner Halcovage,</p> <p>11 were included on Jane Doe 4's e-mails.</p> <p>12 Q. Did you inform them about your alleged</p> <p>13 investigation?</p> <p>14 MS. PIPAK: Object to the form. Go</p> <p>15 ahead.</p> <p>16 THE WITNESS: I spoke to my</p> <p>17 supervisor. Typically he would be the one who</p> <p>18 talked to the commissioners. I, on a regular</p> <p>19 basis, did not inform them of issues or incidents.</p> <p>20 That was Mr. Bender who took care of that issue.</p> <p>21 BY MS. SMITH:</p> <p>22 Q. At any point after Mr. Gustus began his</p> <p>23 employment, did you check in with the field</p> <p>24 appraiser's or the assessment office and ask if he</p>	<p>Page 620</p> <p>1 which is then reviewed prior to putting it on the</p> <p>2 commissioner's agenda.</p> <p>3 Q. Who conducts the interviews?</p> <p>4 A. Interviews are conducted -- it depends</p> <p>5 on the position. They typically include the</p> <p>6 supervisor and potentially the next in the chain</p> <p>7 of command. It could include HR. It just depends</p> <p>8 on the position.</p> <p>9 Q. And who recommends the candidate that --</p> <p>10 to be selected?</p> <p>11 A. Usually the Interview Committee.</p> <p>12 Q. Which would include the department head?</p> <p>13 A. Yes. Usually, yes.</p> <p>14 Q. When wouldn't a department head be</p> <p>15 included on a --</p> <p>16 A. Well, typically the department head</p> <p>17 would be included for a position within their</p> <p>18 department. So if the department head wasn't</p> <p>19 available or wasn't there, then potentially they</p> <p>20 wouldn't be part of the process.</p> <p>21 MS. SMITH: Okay. I'm going to</p> <p>22 mark as 184 Zula 2779.</p> <p>23 - - -</p> <p>24 (Zula 2779 marked as Exhibit-184 for</p>
<p>Page 619</p> <p>1 had engaged in any inappropriate conduct?</p> <p>2 A. No, I did not question them.</p> <p>3 Q. I want to talk a little bit about the</p> <p>4 process of filling a vacant position in a</p> <p>5 non-elected official office. So there's some</p> <p>6 offices obviously within the -- in the courthouse</p> <p>7 where the head -- the department head is an</p> <p>8 elected official, correct?</p> <p>9 A. Yes.</p> <p>10 Q. And the filling of vacant positions in</p> <p>11 their offices is different than ones such as tax</p> <p>12 claim and tax assessment where the director or the</p> <p>13 department head is not an elected official?</p> <p>14 A. Yes, slightly different.</p> <p>15 Q. Okay.</p> <p>16 When there is a vacant position in a</p> <p>17 non-elected official department, what's the</p> <p>18 process?</p> <p>19 A. So the position, once we receive</p> <p>20 approval to fill, it's posted. Interviews are</p> <p>21 typically conducted. And then a recommendation</p> <p>22 would come through via a par, and then those PARS</p> <p>23 are typically reviewed by -- well, those pars come</p> <p>24 in and we typically put them on the par report,</p>	<p>Page 621</p> <p>1 identification.)</p> <p>2 - - -</p> <p>3 BY MS. SMITH:</p> <p>4 Q. Do you, Ms. Zula, recall in September of</p> <p>5 2021 a clerk typist one in tax claim becoming</p> <p>6 vacant?</p> <p>7 A. Yes.</p> <p>8 Q. And in September of 2021 Jane Doe 3 was</p> <p>9 the department head of that department, correct?</p> <p>10 A. Yes.</p> <p>11 Q. If a current employee applied for a</p> <p>12 vacant position, are interviews done?</p> <p>13 A. So this is a union position, the clerk</p> <p>14 typist one. This position was posted why Jane Doe</p> <p>15 3 and Jane Doe 4 were out on leave. The -- under</p> <p>16 the Collective Bargaining Agreement there are</p> <p>17 rights to certain positions within the -- that are</p> <p>18 covered by the union. And so if there are rights</p> <p>19 to the position, she was the only person that</p> <p>20 applied for the position within the bargaining</p> <p>21 unit, she would automatically get the position, so</p> <p>22 we would not conduct interviews in those</p> <p>23 situations.</p> <p>24 Q. Okay.</p>

<p>Page 622</p> <p>1 A. Because it's a contractual right.</p> <p>2 Q. But the contractual right is only as to</p> <p>3 the right to the position, not to the terms of</p> <p>4 what the position entails, correct?</p> <p>5 A. Well, the terms and conditions of the</p> <p>6 position are set by the Collective Bargaining</p> <p>7 Agreement. So pay, benefits, all of those things.</p> <p>8 Q. Is whether it's a position that can work</p> <p>9 from the courthouse, home or the 410 building part</p> <p>10 of the Collective Bargaining Agreement?</p> <p>11 A. No.</p> <p>12 Q. Given that this position of clerk --</p> <p>13 vacant position of clerk typist one was open in</p> <p>14 Jane Doe 3's office, why was she not consulted</p> <p>15 regarding whether or not Jane Doe 1 could have</p> <p>16 accepted the position and worked from home?</p> <p>17 A. She was out on leave.</p> <p>18 Q. When she got back from leave did you</p> <p>19 speak with her?</p> <p>20 A. Jane Doe 1 already declined the</p> <p>21 position.</p> <p>22 Q. Had it been offered to anyone yet?</p> <p>23 A. I don't recall if it was or wasn't.</p> <p>24 Q. Could you have reoffered it to Jane Doe</p>	<p>Page 624</p> <p>1 request her hours to determine if she was eligible</p> <p>2 for FMLA?</p> <p>3 A. Yes.</p> <p>4 MS. SMITH: Okay. I'll mark as 185</p> <p>5 Zula 1890.</p> <p>6 - - -</p> <p>7 (Zula 1890 marked as Exhibit-185 for</p> <p>8 identification.)</p> <p>9 - - -</p> <p>10 BY MS. SMITH:</p> <p>11 Q. And is this that request by Jane Doe 1</p> <p>12 here down bottom of Ms. Zula 1890?</p> <p>13 A. This was not in reference to her FMLA.</p> <p>14 This was in reference to her not working the</p> <p>15 requisite number of hours to maintain benefits</p> <p>16 during the measurement period for health care</p> <p>17 coverage.</p> <p>18 Q. So your testimony is that -- well, let's</p> <p>19 start with that. Jane Doe 1 states I was wait --</p> <p>20 I'm waiting for any information regarding my work</p> <p>21 hours and benefits, employment status that was</p> <p>22 discussed at the meeting you held for me.</p> <p>23 First, what -- this is a different</p> <p>24 meeting than the Sherry Ditzler meeting, correct?</p>
<p>Page 623</p> <p>1 1 with the option to work from home?</p> <p>2 MS. PIPAK: Object to the form. Go</p> <p>3 ahead.</p> <p>4 THE WITNESS: Yes. I guess we</p> <p>5 could have, yes.</p> <p>6 BY MS. SMITH:</p> <p>7 Q. Jane Doe 1, in fact, when applying for</p> <p>8 it asked about the option to work from home,</p> <p>9 correct?</p> <p>10 A. She asked about the requirements of the</p> <p>11 position, and she was informed that the position</p> <p>12 would need to work within the tax claim office.</p> <p>13 Q. Who made that decision that she would</p> <p>14 have to work in the tax claim office?</p> <p>15 A. Well, I made -- I informed her of that</p> <p>16 decision. I know I discussed it with Mr. Bender,</p> <p>17 as well as Deb Dash who was the acting assistant</p> <p>18 tax claim director at that point. Or interim.</p> <p>19 Q. Were these communications through e-mail</p> <p>20 or in person?</p> <p>21 A. Usually our conversation were in person.</p> <p>22 Q. After Jane Doe 1 applied for the</p> <p>23 position and declined it, in September -- maybe</p> <p>24 that month, September 27th, 2021, did Jane Doe 1</p>	<p>Page 625</p> <p>1 A. I don't know if it was the same meeting</p> <p>2 or not. I don't recall.</p> <p>3 Q. But you -- do you recall if, in fact,</p> <p>4 Jane Doe 1 requested her hours to determine if she</p> <p>5 could apply for FMLA at that time?</p> <p>6 A. I don't know when it was. At some point</p> <p>7 in time she did request the hours. I don't know</p> <p>8 if it was during this time frame or not. So she</p> <p>9 did request -- I'm sorry -- she did request</p> <p>10 whether or not she had completed work, the</p> <p>11 requisite hours to qualify for FMLA. But in</p> <p>12 addition we also did inform her that you had --</p> <p>13 she had to work a certain number of hours in order</p> <p>14 to maintain her benefit coverage as a full-time</p> <p>15 employee during the measurement period. And that</p> <p>16 we had a third-party company who does that, and we</p> <p>17 believe that she was getting close to the point</p> <p>18 where she wouldn't have qualified for benefits</p> <p>19 based upon the number of hours that she worked</p> <p>20 during the measurement period.</p> <p>21 Q. Well, I thought you testified yesterday</p> <p>22 that there was no third-party company that</p> <p>23 maintained records of employees' hours, that that</p> <p>24 was the controller's office.</p>

<p>Page 626</p> <p>1 MS. PIPAK: Objection to the form.</p> <p>2 You can answer.</p> <p>3 THE WITNESS: This is in reference</p> <p>4 to -- so we have a third-party company who tracked</p> <p>5 hours for the purpose of ACA, not who does</p> <p>6 payroll. So those -- so we do have a third-party</p> <p>7 that tracks hours for ACA purposes who does -- who</p> <p>8 completes the 1095s and such. But they don't</p> <p>9 process payroll.</p> <p>10 BY MS. SMITH:</p> <p>11 Q. Well, in Jane Doe 1's first sentence</p> <p>12 there she -- it's a conjunctive. It's work hours</p> <p>13 and benefits employment status. So does that</p> <p>14 refresh your recollection as to whether she was</p> <p>15 asking for work hours related to her FMLA?</p> <p>16 A. No, that was not what she was asking.</p> <p>17 She was asking -- because we discussed that she</p> <p>18 did not -- she was getting close to not working</p> <p>19 the number of hours required in order to maintain</p> <p>20 her benefit eligibility. So how she worded it,</p> <p>21 I'm not certain. But this was in reference to her</p> <p>22 work hours as it related to her benefit</p> <p>23 eligibility under ACA.</p> <p>24 Q. And are you sure that at the meeting she</p>	<p>Page 628</p> <p>1 correct?</p> <p>2 A. Based on that, yes.</p> <p>3 Q. Did Jane Doe 1 have union representation</p> <p>4 present?</p> <p>5 A. Yes, I believe she did.</p> <p>6 Q. Who was that?</p> <p>7 A. I don't recall. Well, I don't know --</p> <p>8 I'm not sure exactly what meeting we're referring</p> <p>9 to. But union representation is offered, and it</p> <p>10 is her right or determination as to whether or not</p> <p>11 she brings a union representative to the meeting.</p> <p>12 Q. So it's your testimony that before --</p> <p>13 that whatever meeting this was, that you offered</p> <p>14 Jane Doe 1 to be permitted to bring union</p> <p>15 representation?</p> <p>16 A. Yes.</p> <p>17 Q. Then next sentence reads if you recall,</p> <p>18 you wrote me up when you said you were taking over</p> <p>19 the meeting. So doesn't your signature need to be</p> <p>20 on that form?</p> <p>21 Is this the meeting where Mr. Hatter</p> <p>22 became angry?</p> <p>23 MS. PIPAK: Object to the form.</p> <p>24 You can answer.</p>
<p>Page 627</p> <p>1 did request her hours for FMLA?</p> <p>2 MS. PIPAK: Objection.</p> <p>3 THE WITNESS: I don't know if this</p> <p>4 was -- I know she -- at one point in time she did.</p> <p>5 I don't know when that timing was.</p> <p>6 BY MS. SMITH:</p> <p>7 Q. Okay.</p> <p>8 Well this e-mail of Jane Doe 1's goes on</p> <p>9 to talk about signing a disciplinary form</p> <p>10 regarding Kent. I imagine Kent Hatter; is that</p> <p>11 correct?</p> <p>12 A. Yes.</p> <p>13 Q. So was there a meeting around this time</p> <p>14 between you, Jane Doe 1 and Mr. Hatter?</p> <p>15 A. I would believe so, yes.</p> <p>16 Q. Was that meeting where Jane Doe 1</p> <p>17 received a verbal warning?</p> <p>18 A. I don't recall.</p> <p>19 Q. Okay.</p> <p>20 Well, there was --</p> <p>21 A. It indicates here it was a written</p> <p>22 reprimand.</p> <p>23 Q. There's at least some sort of</p> <p>24 disciplinary action issued at this meeting.</p>	<p>Page 629</p> <p>1 THE WITNESS: Mr. Hatter and Ms. --</p> <p>2 I recall being in a meeting where Mr. Hatter and</p> <p>3 Jane Doe 1 were yelling back and forth -- well,</p> <p>4 not yelling. But they were going back and forth</p> <p>5 and not allowing the other one to talk to each</p> <p>6 other, and so I stopped the meeting at that point</p> <p>7 in time.</p> <p>8 BY MS. SMITH:</p> <p>9 Q. Is that the meeting where Mr. Hatter</p> <p>10 slammed his first on the table?</p> <p>11 MS. PIPAK: Object to the form.</p> <p>12 THE WITNESS: I don't recall that.</p> <p>13 BY MS. SMITH:</p> <p>14 Q. You don't recall Mr. Hatter ever</p> <p>15 slamming his fist on the table during a meeting</p> <p>16 with Jane Doe 1?</p> <p>17 A. I don't know if he slammed. I don't</p> <p>18 recall. I don't -- I don't remember.</p> <p>19 Q. Do you recall Mr. Hatter telling Jane</p> <p>20 Doe 1 to write an apology letter to the Board of</p> <p>21 Commissioners for filing her complaint against</p> <p>22 him?</p> <p>23 MS. PIPAK: I'll object to the</p> <p>24 form. But you can answer.</p>

<p>Page 630</p> <p>1 THE WITNESS: I don't know what 2 that's in reference to. 3 BY MS. SMITH: 4 Q. Do you ever recall Mr. Hatter telling 5 Jane Doe 1 to write an apology to the Board of 6 Commissioners for filing her complaint against 7 him? 8 A. I don't recall. 9 Q. In your response to Jane Doe 1 in the 10 third paragraph at the bottom it states it's 11 technically the employee's responsibility to 12 request and secure representation for any 13 proceeding. However, we have attempted to assist 14 employees with the process in an effort to 15 schedule appropriate times with all parties. 16 So at least on occasion HR will assist 17 employees with securing union representation, 18 correct? 19 A. Yes. So in the past -- or what would 20 typically happen a lot of times is when 21 supervisors would request to meet with employees, 22 they would also reach out to the union president 23 to determine, you know, hey is this a good time 24 for you guys to come. And so that was what</p>	<p>Page 632</p> <p>1 2:49 p.m. and we're back on the record. 2 BY MS. SMITH: 3 Q. Ms. Zula, I'm going to mark as exhibit 4 186 Zula 188 and 189. 5 - - - 6 (Zula 188-189 marked as Exhibit-186 for 7 identification.) 8 - - - 9 BY MS. SMITH: 10 Q. Do you recognize this? 11 A. Yes. 12 Q. This is a couple days within that last 13 e-mail where Jane Doe 1 said she's waiting for 14 information regarding her work hours, correct? 15 A. Yes. 16 Q. 1250 is the exact number of hours that 17 an individual needs to be eligible for FMLA, 18 correct? 19 A. Yes. 20 Q. And Ms. Heather Garrity informed you 21 that Jane Doe 1, in fact, worked 1250 hours, 22 correct? 23 A. She worked 1250 within the pay periods 24 that were pulled by Ms. Garrity. She needed to</p>
<p>Page 631</p> <p>1 occurred in the past. And I believe that's what 2 occurred in this situation with Mr. Hatter. He 3 reached out to Ms. Ditzler. 4 Q. Was Ms. Ditzler at the meeting? 5 A. I don't know if she came or didn't come. 6 I don't recall. 7 Q. The next sentence in your e-mail says 8 given the issues that were presented at the last 9 meeting we will allow you to schedule your own 10 AFSCME representation as you deem appropriate if 11 it would be needed. 12 What issues were presented at the last 13 meeting? 14 A. I think the issues were the issues 15 between Jane Doe 1 and Ms. Ditzler as serving as 16 her union representative. 17 MR. TOWNSEND: Off the record. 18 VIDEOGRAPHER: The time is now 19 2:39. We're going off the record. 20 - - - 21 (Whereupon, brief recess was held off 22 the record.) 23 - - - 24 VIDEOGRAPHER: The time is now</p>	<p>Page 633</p> <p>1 look back from the date that the request was made 2 back 12 months on the specific days regarding the 3 hours worked. 4 Q. Well, the 1250 is for consecutive pay 5 periods, correct? 6 A. Yes. 7 Q. And so at least on September 30, 2021 8 Jane Doe 1 was eligible for FMLA, correct? 9 A. No. Because the start dates of the pay 10 periods indicates 9/14/2020 through 9/12 of 2021, 11 we needed to look back to the exact dates that she 12 requested FMLA, which I don't recall what exactly 13 that date was. But we need to go from that date 14 to the date of the request. So if she were -- for 15 example, if she requested on September 20th we 16 needed to look at the days from September 20th of 17 2021 back to -- or September 19th, 2021 back to 18 September 20th, 2020. So we can just pull the pay 19 periods. You actually had to look at the exact 20 hours worked on each particular day. 21 Q. Well, if she had applied for FMLA on 22 September 13th, 2021, she would have had the 1250 23 hours -- 24 A. Yes.</p>



<p>Page 634</p> <p>1 Q. -- correct?</p> <p>2 A. Yes.</p> <p>3 Q. Was Jane Doe 1 notified when she became</p> <p>4 eligible for FMLA?</p> <p>5 A. She wasn't eligible based upon when she</p> <p>6 requested the paperwork.</p> <p>7 Q. What I'm saying is on 9/13 when she hit</p> <p>8 that 1250 hours, was she notified?</p> <p>9 A. No.</p> <p>10 Q. Why not?</p> <p>11 A. I don't believe she requested it until</p> <p>12 after that date.</p> <p>13 Q. In June of 2021 Jane Doe 1 and Jane Doe</p> <p>14 2 reported to you that Kent Hatter made</p> <p>15 inappropriate comments to them, correct?</p> <p>16 A. Yes.</p> <p>17 Q. Did you interview Jane Doe 1, Jane Doe 2</p> <p>18 regarding those reports?</p> <p>19 A. Yes.</p> <p>20 Q. Did you interview Mr. Hatter?</p> <p>21 A. Yes.</p> <p>22 Q. Was an investigation file opened?</p> <p>23 MS. PIPAK: Object to the form. Go</p> <p>24 ahead.</p>	<p>Page 636</p> <p>1 Q. What was your finding?</p> <p>2 MS. PIPAK: Object to the form. Go</p> <p>3 ahead.</p> <p>4 THE WITNESS: Based upon the</p> <p>5 discussions that Mr. Hatter and Jane Doe 1 and</p> <p>6 Jane Doe 2 had, I believe that he did make some</p> <p>7 comments that were probably not appropriate for</p> <p>8 the supervisor to be making. And so Mr. Bender</p> <p>9 and I both met with Mr. Hatter regarding, again,</p> <p>10 the expectations of his interactions with both of</p> <p>11 those employees and all of his employees.</p> <p>12 BY MS. SMITH:</p> <p>13 Q. So he wasn't written up?</p> <p>14 A. He wasn't officially written up, no.</p> <p>15 Q. What were the comments that you thought</p> <p>16 he made that were inappropriate?</p> <p>17 A. He was making comments -- I believe</p> <p>18 that -- my understanding is that Jane Doe 1 and</p> <p>19 Mr. Hatter have working relationship outside of</p> <p>20 the county, because she served as a certified</p> <p>21 appraiser and he owned a real estate agency and</p> <p>22 they worked together in that capacity. So he</p> <p>23 believed that he was very friendly with her and</p> <p>24 her family. And I believe he was talking to her</p>
<p>Page 635</p> <p>1 THE WITNESS: I believe I have a</p> <p>2 file regarding the interviews that I did. I don't</p> <p>3 know if it's an investigation file. But, yes,</p> <p>4 there was a file created.</p> <p>5 BY MS. SMITH:</p> <p>6 Q. Were notes taken during --</p> <p>7 A. Yes, I believe they were.</p> <p>8 Q. And in each of your conversations with</p> <p>9 Jane Doe 1, Jane Doe 2 and Mr. Hatter?</p> <p>10 A. Yes, I believe -- well, I met with Jane</p> <p>11 Doe 1 and Jane Doe 2 together.</p> <p>12 Q. Okay.</p> <p>13 So, but there would be notes from that</p> <p>14 --</p> <p>15 A. Yes, I believe there should be notes</p> <p>16 regarding that.</p> <p>17 Q. Just let me finish my question so it's</p> <p>18 clear for the record. That's okay.</p> <p>19 And was a finding memo or conclusion</p> <p>20 written by you?</p> <p>21 A. I did not write a findings or conclusion</p> <p>22 memo, no.</p> <p>23 Q. Why not?</p> <p>24 A. I don't know.</p>	<p>Page 637</p> <p>1 more like from a -- like a father figure, friend</p> <p>2 type, than a supervisor. And that was not how he</p> <p>3 should be talking to her while he is an employee</p> <p>4 of the -- or a supervisor employee of the county.</p> <p>5 I think he made some comments, from what I</p> <p>6 can recall, about like, Jane Doe 1, you know,</p> <p>7 being portrayed -- because she's a very pretty</p> <p>8 woman, about like -- like that she just reads</p> <p>9 gossip magazines or something to that effect.</p> <p>10 Where he made that comment. But then in addition</p> <p>11 to that, he said, you know, he knows that's not</p> <p>12 like her. She's very smart. She brings a lot to</p> <p>13 the table. Those types of things. Like those</p> <p>14 types of things. There's no reason for him to</p> <p>15 kind of make those comparisons in his employment</p> <p>16 as her supervisor.</p> <p>17 Q. Did Jane Doe 2 inform you that</p> <p>18 Mr. Hatter made a comment about her deceased</p> <p>19 boyfriend?</p> <p>20 A. I don't recall that. I don't recall</p> <p>21 that comment.</p> <p>22 Q. Okay.</p> <p>23 MS. PIPAK: I'm sorry, was it about</p> <p>24 her. Was that Jane Doe 2?</p>



<p>1 MS. SMITH: Jane Doe 2. 2 MS. PIPAK: Okay. 3 BY MS. SMITH: 4 Q. Yeah, Jane Doe 2's deceased boyfriend. 5 A. I don't recall that comment. 6 Q. Do you recall Jane Doe 2 informing you 7 that Mr. Hatter told her that she needs to get 8 over it? 9 A. No, I don't recall that comment. 10 Q. Were -- did Jane Doe 2 and/or Jane Doe 1 11 inform you that they didn't -- they wished to not 12 have to report no Mr. Hatter any longer given his 13 comments? 14 A. Yes, I believe that was information that 15 was shared by them with me, and we did then put 16 Ms. Zimmerman kind of as their kind of go-to 17 person in the office so that Mr. Hatter wouldn't 18 have direct contact with -- or direct working 19 contact with them via -- they didn't need to 20 contact him for their work product. 21 Q. But it was Mr. Hatter who then 22 subsequently wrote up both Jane Doe 2 and Jane Doe 23 1, correct? 24 A. As the department head, yes.</p>	Page 638	<p>1 comments, correct? 2 A. Yes. 3 Q. Can you tell me why Jane Doe 3 and Jane 4 Doe 4 were written up but Mr. Hatter was not? 5 A. Because I believe that Jane Doe 3 and 6 Jane Doe 4's unprofessional conduct was 7 continuous, and that even after being told that 8 they needed to act in a professional manner they 9 continued to act the way they did, and that's why 10 they ultimately kind of moved to the next step of 11 the process which was a reprimand. 12 Q. Who told them to -- what were your 13 words? They were told what? 14 A. I believe that in one of my 15 communications to them they were instructed that 16 they needed to act in a professional manner 17 towards other employees. 18 Q. When was that? 19 A. I don't recall. 20 Q. What was that in response to? 21 A. I don't recall. 22 Q. And at the time that Jane Doe 1 and Jane 23 Doe 2 reported Mr. Hatter, do you recall them 24 requesting an independent witness at the meeting</p>	Page 640
<p>1 Q. Who decided not to discipline 2 Mr. Hatter? 3 MS. PIPAK: Object to the form. Go 4 ahead. 5 THE WITNESS: I believe -- well, I 6 had a discussion with Mr. Bender as Mr. Hatter's 7 supervisor, and as he being my supervisor I 8 discussed all of kind of the HR issues with him, 9 and I mean we collectively -- well, ultimately I 10 guess Mr. Bender didn't, as his supervisor, decide 11 to discipline him. But we did speak with 12 Mr. Hatter regarding the expectations of his 13 position. 14 BY MS. SMITH: 15 Q. Okay. 16 Mr. Hatter's comments to Jane Doe 1 and 17 Jane Doe 2, would you classify them as 18 unprofessional and inappropriate? 19 A. Yeah, certain comments that he made 20 should not have been made in that setting. 21 Q. Jane Doe 3 and Jane Doe 4 were written 22 up for comments being made to Mr. Alu, correct? 23 A. Yes, they were. 24 Q. For inappropriate, unprofessional</p>	Page 639	<p>1 or the interview with you? 2 A. Yes, I believe they did request an 3 independent witness, and they were told that they 4 could have their union representative. 5 Q. But they weren't permitted to have 6 another witness present? 7 A. No. 8 Q. Why not? 9 A. Because their union serves as their 10 certified bargaining agent who is responsible for 11 providing representation to employees as it 12 relates to work-related matters. 13 Q. And what would be the harm of allowing 14 them to have an independent witness present? 15 MS. PIPAK: Object to the form. 16 You can answer. 17 THE WITNESS: I'm not sure there's 18 any harm. It's just that their union 19 representative is the one who provides that 20 type -- serves that type of role for a union 21 covered employee. 22 BY MS. SMITH: 23 Q. Who decided to not permit them to have 24 an independent witness present?</p>	Page 641

<p>Page 642</p> <p>1 A. I believe I did.</p> <p>2 Q. Do you recall Kathleen Gillespie</p> <p>3 reporting an issue with Jane Doe 4 and Jane Doe 3?</p> <p>4 A. Yes.</p> <p>5 Q. And do you recall that there was an</p> <p>6 interview done with Ms. Gillespie?</p> <p>7 A. I don't know if it was -- it wasn't an</p> <p>8 interview. There was a meeting that was occurring</p> <p>9 between Ms. Gillespie, Jane Doe 3 and Jane Doe 4</p> <p>10 regarding some work-related matters, and I was</p> <p>11 requested to come into the meeting.</p> <p>12 Q. By who?</p> <p>13 A. I believe Kathleen Gillespie came in</p> <p>14 down and was talking to me about it, and so I went</p> <p>15 down and sat in on the meeting.</p> <p>16 Q. And Ms. Gillespie was a union employee,</p> <p>17 correct?</p> <p>18 A. Yes.</p> <p>19 Q. So why did you not instruct her that she</p> <p>20 should have her union steward or representative --</p> <p>21 A. I believe I did, but she should have --</p> <p>22 she could have -- ahh, sorry.</p> <p>23 Q. Her union steward -- why did you not</p> <p>24 instruct Ms. Gillespie she should ask her union</p>	<p>Page 644</p> <p>1 to have you look at Zula 2586, which will be 188.</p> <p>2 - - -</p> <p>3 (Zula 2586 marked as Exhibit-188 for</p> <p>4 identification.)</p> <p>5 - - -</p> <p>6 BY MS. SMITH:</p> <p>7 Q. This is an e-mail, at least the first</p> <p>8 one is an e-mail from Jane Doe 1 to you on</p> <p>9 June 21st, 2021, correct?</p> <p>10 A. Yes.</p> <p>11 Q. She says: Hi, Heidi, I haven't received</p> <p>12 any feedback on your investigation into the</p> <p>13 discriminatory comments made to me by my</p> <p>14 supervisor Kent Hatter. I reported this to you on</p> <p>15 6/6 and am anxiously waiting on a response. And</p> <p>16 she also asked about her work from home status.</p> <p>17 Is there any -- do you have any reason</p> <p>18 to believe that between June 7th and June 21st of</p> <p>19 2021 that you had given her feedback on her</p> <p>20 discriminatory comments report?</p> <p>21 THE WITNESS: No, I don't</p> <p>22 believe --</p> <p>23 MS. PIPAK: Object to the form. Go</p> <p>24 ahead.</p>
<p>Page 643</p> <p>1 steward or representative to be present?</p> <p>2 A. I believe that I did. That she</p> <p>3 should -- that she could have her union</p> <p>4 representative present. But I was going there</p> <p>5 because it was work-related type issue. And I</p> <p>6 actually believed that I sided with Jane Doe 3 and</p> <p>7 Jane Doe 4 regarding some of their claims</p> <p>8 regarding Ms. Gillespie's performance.</p> <p>9 MS. SMITH: I'm going to mark Zula</p> <p>10 2510 and 2511 as 187.</p> <p>11 - - -</p> <p>12 (Zula 2510-2511 marked as Exhibit-187</p> <p>13 for identification.)</p> <p>14 - - -</p> <p>15 BY MS. SMITH:</p> <p>16 Q. Do you recognize this communication?</p> <p>17 A. Yes.</p> <p>18 Q. And this indicates that on June 7th Jane</p> <p>19 Doe 1 informed you about the comments Mr. Hatter</p> <p>20 made to that we were just speaking of, correct?</p> <p>21 A. Yes.</p> <p>22 Q. I'm sorry, if I didn't say June 7th,</p> <p>23 2021, correct?</p> <p>24 MS. SMITH: Okay. Then I'm going</p>	<p>Page 645</p> <p>1 THE WITNESS: No, I don't believe I</p> <p>2 did.</p> <p>3 BY MS. SMITH:</p> <p>4 Q. And do you believe at that point you had</p> <p>5 informed her that -- I think we established</p> <p>6 earlier it was April 30th with Mr. Alu that you</p> <p>7 had thought about extending the right to work from</p> <p>8 home to Jane Doe 1.</p> <p>9 Do you recall that?</p> <p>10 A. I'm not --</p> <p>11 Q. Sorry.</p> <p>12 A. -- understanding what you're asking.</p> <p>13 Q. Do you recall looking at an April 30th,</p> <p>14 2021 e-mail with Mr. Alu about potentially</p> <p>15 approving Jane Doe 1 for work from home?</p> <p>16 A. Yes.</p> <p>17 Q. Any reason to believe between April 30th</p> <p>18 and June 21st that you had communicated to Jane</p> <p>19 Doe 1 that she was denied work from home?</p> <p>20 A. I believe that we did inform her that</p> <p>21 she was not permitted to work from home. I don't</p> <p>22 know if that was in writing at all. But I believe</p> <p>23 that that conversation was had between Jane Doe 1</p> <p>24 and Mr. Alu.</p>

<p style="text-align: right;">Page 646</p> <p>1 Q. You replied to Jane Doe 1 that same day 2 and said the investigation of the claim made 3 regarding your meeting with Mr. Hatter is still 4 ongoing. You will be advised when the 5 investigation is completed. 6 June 23rd, 2021 you had already spoken 7 with Jane Doe 1 and Jane Doe 2, correct? 8 A. Yes. 9 Q. Had you spoken with Mr. Hatter? 10 A. Yes. We had spoken with Mr. Hatter, 11 yes. 12 Q. So what investigation was still ongoing? 13 A. There was a claim made by Mr. Hatter 14 that Jane Doe 1 had showed him and was -- a TikTok 15 video of her dancing in a very provocative manner, 16 and that he was making claims against Jane Doe 1 17 that her behavior was inappropriate during the 18 meeting that he had with both Jane Doe 1 and Jane 19 Doe 2. And so I was waiting for additional 20 information regarding that to address those -- 21 that information and chose out the full 22 investigation. 23 Q. Information from where? 24 A. From Mr. Hatter regarding this TikTok</p>	<p style="text-align: right;">Page 648</p> <p>1 going to be concluded then? 2 A. I don't recall when it was concluded. 3 Q. Well, I guess I'm asking, how long were 4 you going to give Mr. Hatter to provide this video 5 before you said, okay, I haven't gotten it. My 6 investigation has got to be concluded? 7 MS. PIPAK: Object to the form. 8 You can answer. 9 THE WITNESS: I didn't really have 10 a time frame in mind. Honestly I didn't. I don't 11 know how long I -- 12 BY MS. SMITH: 13 Q. So it was -- 14 A. -- would have given. 15 Q. -- going to go on forever? 16 MS. PIPAK: Object to the form. 17 You can answer. 18 THE WITNESS: No, I don't believe 19 it would have went on forever. 20 BY MS. SMITH: 21 Q. Was it going to go on for 13 months? 22 MS. PIPAK: Object to the form. 23 You can answer. 24 THE WITNESS: I don't believe, no.</p>
<p style="text-align: right;">Page 647</p> <p>1 video that was shown to him. 2 Q. What additional information would he be 3 able to provide you? 4 A. He believed that he could provide me 5 with a copy of the TikTok video that was shown to 6 him. 7 Q. Did you ask Jane Doe 1 to meet with you 8 so that you could ask her if she showed this 9 TikTok video? 10 A. I don't know. I believe they talked 11 about TikTok. I don't believe I knew that she 12 showed him a video. But, no, I did not. I was 13 waiting for him to follow-up with information 14 before I followed up with her. 15 Q. Did he ever provide you -- Mr. Hatter 16 ever provide you that video? 17 A. No, I was not able to obtain that video. 18 Q. Did you ever ask Jane Doe 1 or Jane Doe 19 2 if this video had been shown? 20 A. No, I did not. 21 Q. Do you know how long you thought that 22 you should give Mr. Hatter to provide this video? 23 A. No, I didn't have a time frame. 24 Q. So when was the ongoing investigation</p>	<p style="text-align: right;">Page 649</p> <p>1 BY MS. SMITH: 2 Q. Because 13 months wouldn't be prompt, 3 would it, pursuant to the policy? 4 A. No. 5 MS. SMITH: I'm going to mark as 6 189 Zula 2595. 7 - - - 8 (Zula 2595 marked as Exhibit-189 for 9 identification.) 10 - - - 11 BY MS. SMITH: 12 Q. This is another e-mail Jane Doe 1 -- 13 includes another e-mail Jane Doe 1 to you on 14 June 28th, again asking for information on the 15 investigation into her complaint filed with you 16 over three weeks ago. 17 Do you see that? 18 A. Yes. 19 Q. Now during your investigation into the 20 complaint, Jane Doe 1 was still required to report 21 to Mr. Hatter, correct? 22 A. Yes. She still did report to 23 Mr. Hatter, yes. 24 Q. And she still had to communicate with</p>

Page 650	Page 652
<p>1 him for work-related issues, correct?</p> <p>2 A. I believe on occasion she did. But for</p> <p>3 the vast majority of the part I believe Chrissy</p> <p>4 Zimmerman as the deputy did most of the</p> <p>5 communication with Jane Doe 1 and Jane Doe 2.</p> <p>6 Q. Why was the investigation still ongoing?</p> <p>7 A. I was still waiting for Mr. Hatter to</p> <p>8 provide that information regarding the video.</p> <p>9 Q. Was Jane Doe 1 ever informed of the</p> <p>10 outcome of the investigation?</p> <p>11 A. I don't -- I don't recall.</p> <p>12 Q. Should she have been?</p> <p>13 A. Yes, she probably should have been.</p> <p>14 Q. And if she wasn't, would that be an</p> <p>15 issue?</p> <p>16 MS. PIPAK: Objection to the form.</p> <p>17 You can answer.</p> <p>18 A. I don't know if it would be an issue.</p> <p>19 Her issues were investigated. We did take action</p> <p>20 with Mr. Hatter to address those complaints. I</p> <p>21 believe that there were -- there were then</p> <p>22 subsequent communications between Mr. Hatter and</p> <p>23 Jane Doe 1 where Jane Doe 1 had texted him and</p> <p>24 apologized for her behavior towards him, and that</p>	<p>1 Q. Did you care about anything Jane Doe 1</p> <p>2 told you?</p> <p>3 MS. PIPAK: Object to the form.</p> <p>4 You can answer.</p> <p>5 THE WITNESS: Yes, I did.</p> <p>6 BY MS. SMITH:</p> <p>7 Q. Did you believe that Jane Doe 1 was</p> <p>8 suffering as a result of her workplace</p> <p>9 environment?</p> <p>10 A. No, I do not believe she was suffering.</p> <p>11 Q. You think she made it all up?</p> <p>12 MS. PIPAK: Object to the form.</p> <p>13 THE WITNESS: No, I'm not saying</p> <p>14 she made it all up. But I'm saying that when Jane</p> <p>15 Doe 1 was provided an opportunity to work from</p> <p>16 home that she did not produce any work. And so we</p> <p>17 provided her an environment in which she could be</p> <p>18 productive, separated from the courthouse. And</p> <p>19 she still again did not consistently provide a</p> <p>20 work product.</p> <p>21 BY MS. SMITH:</p> <p>22 Q. Ms. Zula, let me ask you this question:</p> <p>23 Are you aware that Jane Doe 1 has made allegations</p> <p>24 and George Halcovage has admitted to engaging in</p>
Page 651	Page 653
<p>1 she wanted to have a fresh slate with Mr. Hatter</p> <p>2 and start other.</p> <p>3 Q. Did you ever take into consideration</p> <p>4 that she maybe went back on her opinions or</p> <p>5 position because she had been continued and forced</p> <p>6 to report to the person who in her words in this</p> <p>7 e-mail made her uncomfortable in an already bad</p> <p>8 situation, and as she believed immediately decided</p> <p>9 to revoke her privilege to work from home on an</p> <p>10 as-needed basis?</p> <p>11 MS. PIPAK: Object to the form.</p> <p>12 You can answer.</p> <p>13 THE WITNESS: No, I did consider</p> <p>14 that.</p> <p>15 BY MS. SMITH:</p> <p>16 Q. Did you consider, as she states here,</p> <p>17 that she -- as a result of those things, she has</p> <p>18 more frequent anxiety and panic attacks?</p> <p>19 A. No, I did not.</p> <p>20 Q. Did you ever ask Jane Doe 1 what you</p> <p>21 could do for her regarding her anxiety and panic</p> <p>22 attacks and discomfort as a result of her</p> <p>23 workplace experiences?</p> <p>24 A. No, I did not.</p>	<p>1 sexual conduct with her?</p> <p>2 A. Yes, I'm aware of that.</p> <p>3 Q. Are you aware that Jane Doe 1 has made</p> <p>4 the allegations that Jane Doe 1 did not want to</p> <p>5 engage in those sexual encounters?</p> <p>6 MS. PIPAK: Object to the form.</p> <p>7 You can answer.</p> <p>8 THE WITNESS: I'm not aware of what</p> <p>9 Jane Doe 1's response was to that. That I'm not</p> <p>10 aware of, no.</p> <p>11 BY MS. SMITH:</p> <p>12 Q. I'm asking you if you understand that</p> <p>13 Jane Doe 1 has said that George Halcovage raped</p> <p>14 her?</p> <p>15 A. No, I'm not aware of that.</p> <p>16 Q. Are you aware that George Halcovage has</p> <p>17 admitted to pushing Jane Doe 1 down in a room in</p> <p>18 the courthouse and pulling out his penis?</p> <p>19 MR. GEIGER: Object to the form.</p> <p>20 MS. PIPAK: You can answer.</p> <p>21 THE WITNESS: Yes. I'm aware that</p> <p>22 that is what has been alleged, yes.</p> <p>23 BY MS. SMITH:</p> <p>24 Q. If that happened to you, would you feel</p>



<p>Page 654</p> <p>1 discomfort going into your workplace where someone</p> <p>2 pushed you down and pulled out their penis when</p> <p>3 you didn't want it, causing you to run crying from</p> <p>4 that room?</p> <p>5 MS. PIPAK: Object to the form.</p> <p>6 You can answer. If you can.</p> <p>7 THE WITNESS: I mean from my</p> <p>8 perspective, Jane Doe 1 wasn't in that work</p> <p>9 environment. This is information that she was</p> <p>10 dealing with with Mr. Hatter. Not with Mr.</p> <p>11 Halcovage. Mr. Halcovage had nothing to do with</p> <p>12 these issues that she's now experiencing with Mr.</p> <p>13 Hatter.</p> <p>14 BY MS. SMITH:</p> <p>15 Q. Would going back into a building where</p> <p>16 something like that happened to you cause you</p> <p>17 discomfort?</p> <p>18 MS. PIPAK: Object to form. You</p> <p>19 can answer if you can.</p> <p>20 THE WITNESS: My understanding is</p> <p>21 that that didn't occur in her current office at</p> <p>22 the 410 building.</p> <p>23 BY MS. SMITH:</p> <p>24 Q. I'm not asking where it occurred. I'm</p>	<p>Page 656</p> <p>1 MS. SMITH: She's not asking her</p> <p>2 for a legal opinion. She can give --</p> <p>3 MS. PIPAK: I actually don't think</p> <p>4 it's a legal opinion. I think you actually might</p> <p>5 be asking about a medical opinion almost. So I</p> <p>6 just want to hear the question.</p> <p>7 MS. SMITH: I'm asking her if -- if</p> <p>8 someone else -- the next subsequent male</p> <p>9 supervisor that Jane Doe 1 had made comments such</p> <p>10 as the ones that Jane Doe 1 said Mr. Hatter made,</p> <p>11 can Ms. Zula understand why someone, a human, not</p> <p>12 medical, just a human would feel uncomfortable and</p> <p>13 maybe have panic attacks and feel anxious.</p> <p>14 THE WITNESS: I mean Ms. --</p> <p>15 according to Jane Doe 1's own e-mail, it was a</p> <p>16 direct insult to her intelligence. It wasn't a</p> <p>17 sexual comment in any way, shape or form.</p> <p>18 BY MS. SMITH:</p> <p>19 Q. Jane Doe 1 in 187, I believe, indicates</p> <p>20 to you when I went to my office to get something</p> <p>21 he asked Jane Doe 2 something about if she watched</p> <p>22 soft porn. It was not there for the comment, but</p> <p>23 she did tell me as soon as he left. She also was</p> <p>24 shocked by his comment.</p>
<p>Page 655</p> <p>1 asking you, Ms. Zula, as a woman, as you sit here</p> <p>2 if that had happened to you, would you have felt</p> <p>3 discomfort going back into a building where</p> <p>4 something like that happened to you?</p> <p>5 A. I don't know.</p> <p>6 MS. PIPAK: I'm going to object to</p> <p>7 the form.</p> <p>8 THE WITNESS: I don't know. It's</p> <p>9 never happened to me, so I don't know how I would</p> <p>10 feel. Would I probably feel uncomfortable? Yes,</p> <p>11 but I don't know. I've never been in that</p> <p>12 situation.</p> <p>13 BY MS. SMITH:</p> <p>14 Q. And then having another subsequent male</p> <p>15 supervisor say the things that Mr. Hatter said to</p> <p>16 her, would that -- is it understandable that Jane</p> <p>17 Doe 1 felt anxiety and had panic attacks and was</p> <p>18 uncomfortable?</p> <p>19 MS. PIPAK: I'm going to object to</p> <p>20 the form.</p> <p>21 Can you repeat the question one more</p> <p>22 time? I'm just worried that this is calling for</p> <p>23 some kind of opinion that I don't know that I'm</p> <p>24 comfortable with her answering.</p>	<p>Page 657</p> <p>1 Would asking someone and Jane Doe 1</p> <p>2 knowing that her male supervisor asked someone if</p> <p>3 they watched soft porn not be sexual in nature?</p> <p>4 MS. PIPAK: Object to the form.</p> <p>5 THE WITNESS: The comment that was</p> <p>6 asked, my understanding when I talked to all of</p> <p>7 parties, was regarding TikTok. And then the</p> <p>8 comment regarding the soft porn came out that</p> <p>9 regarding some of the videos that were posted. It</p> <p>10 was not asking her whether she watched soft porn.</p> <p>11 It was asking her about TikTok.</p> <p>12 BY MS. SMITH:</p> <p>13 Q. Soft porn was discussed in regards to</p> <p>14 TikTok, correct?</p> <p>15 MS. PIPAK: Object to the form.</p> <p>16 THE WITNESS: It was discussed,</p> <p>17 yes, that some videos posted could be soft porn.</p> <p>18 But It wasn't directed at asking her did she</p> <p>19 specifically watch soft porn. It was in the</p> <p>20 context of talking about TikTok videos.</p> <p>21 BY MS. SMITH:</p> <p>22 Q. So you're telling me that someone who</p> <p>23 has been through what Jane Doe 1 had been through,</p> <p>24 then hearing a male supervisor discuss soft porn,</p>



<p>1 doesn't cause you any reason to believe that she 2 would be uncomfortable? 3 MS. PIPAK: Object to the form. 4 You can answer if you're able. 5 THE WITNESS: I don't know if it 6 would make someone feel uncomfortable. But we 7 took steps to ensure that she had limited contact 8 with Mr. Hatter as Ms. Zimmerman then served as 9 the person to provide her work. 10 BY MS. SMITH: 11 Q. But never wrote Mr. Hatter up for 12 talking about soft porn? 13 MS. PIPAK: Object to the form. 14 THE WITNESS: No. 15 BY MS. SMITH: 16 Q. But what you did take steps to do 17 regarding write-ups is have Jane Doe 2 written up 18 in August of 2021, correct? 19 MS. PIPAK: Object to the form. 20 THE WITNESS: I believe. I'm not 21 sure. I know she was written up. I don't know 22 when. 23 BY MS. SMITH: 24 Q. Who decided to write Jane Doe 2 up in</p>	<p>Page 658</p> <p>1 Q. What was the meeting that was -- or what 2 was the information that was discussed during the 3 meeting that made you reevaluate whether to write 4 her up? 5 A. I don't recall the exact specifics. But 6 I'm not sure if this was the specific situation. 7 If it's not signed, typically even the employee 8 doesn't sign it, the supervisor would sign off on 9 it. So I'm not certain if this was the one that 10 was issued or not. 11 MS. SMITH: I'm going to mark Zula 12 2741 and 2743 as 191. 13 THE TECHNICIAN: You said 2741 and 14 2723, Counsel? 15 MS. SMITH: Yeah, 2723. Sorry. 16 - - - 17 (Zula 2741 and 2723 marked as 18 Exhibit-191 for identification.) 19 - - - 20 BY MS. SMITH: 21 Q. Does this e-mail refresh your 22 recollection as to whether it was this 23 August 23rd, 2021 write-up or the August 4th, 2021 24 write-up that was not administered Jane Doe 2?</p> <p>Page 660</p>
<p>1 August of 2021? 2 A. I don't recall the specifics. 3 MS. SMITH: I'm going to mark Zula 4 2684 as 190. 5 - - - 6 (Zula 2684 marked as Exhibit-190 for 7 identification.) 8 - - - 9 MS. SMITH: You can just put 2684 10 up on the screen and we can separate them later. 11 BY MS. SMITH: 12 Q. So, Ms. Zula, do you recognize this 13 document? 14 A. Yes. 15 Q. This one is not signed, but this was 16 administered to Jane Doe 2, correct? 17 A. I'm not certain it was. I know that 18 there was a meeting that was held with Jane Doe 2 19 and we had conversations about some of these 20 topics. And I know there was a meeting where 21 Mr. Hatter intended to write her up. And I said 22 that that would not be appropriate given the 23 information that we discussed. So I'm not certain 24 that this was actually issued to her.</p> <p>Page 659</p>	<p>1 A. I don't know which one was and which one 2 wasn't. I know that when we were at the meeting I 3 don't know if the 23rd one was issued or if this 4 one was issued. I know one of them wasn't, so I'm 5 not certain. 6 Q. Okay. 7 How many write-ups do you -- well, let's 8 see. The one is a disciplinary written warning, 9 correct? 10 A. Yes. 11 Q. And the other is a suspension, correct? 12 A. Yes. 13 Q. How many times has Jane Doe 2 been 14 written up, to your knowledge? 15 A. I don't recall. I'm not certain. 16 Q. Do you know who was the -- well, in this 17 one, the second exhibit 191, it appears that 18 Mr. Hatter was planning to give Jane Doe 2 this 19 write-up, correct? 20 A. Yes. 21 Q. And suspend her, correct? 22 A. Yes. That was his intention at that 23 point prior to meeting with her, but we needed to 24 meet with her to give her an opportunity to</p> <p>Page 661</p>

<p>Page 662</p> <p>1 determine what had happened from her perspective.</p> <p>2 Q. And if a union employee is to be</p> <p>3 suspended, are they not to be afforded a</p> <p>4 Loudermill hearing?</p> <p>5 A. Yes.</p> <p>6 Q. Was Jane Doe 2 provided or offered a</p> <p>7 Loudermill hearing?</p> <p>8 A. The meeting would have been the</p> <p>9 Loudermill meeting with her.</p> <p>10 Q. And so there was a meeting regarding</p> <p>11 this?</p> <p>12 A. I believe there was a meeting, yes,</p> <p>13 regarding the August 23rd. Based upon this there</p> <p>14 would have been a meeting, yes.</p> <p>15 Q. And the entirety of this write-up is</p> <p>16 that she did not contact the office at 8:30 as</p> <p>17 instructed. Did she -- well, it says she</p> <p>18 contacted Christy Zimmerman later in the morning.</p> <p>19 Is there any other reason for Jane Doe</p> <p>20 2's suspension?</p> <p>21 A. I don't believe she was suspended at</p> <p>22 this time either.</p> <p>23 Q. Well, was there any other reason that</p> <p>24 Mr. Hatter was recommending her suspension, to</p>	<p>Page 664</p> <p>1 thing in the morning?</p> <p>2 A. Yes. That was a requirement.</p> <p>3 Q. Of all employees?</p> <p>4 A. Of all of the field appraisers, yes.</p> <p>5 They would touch base with their supervisor, let</p> <p>6 them know what the plan was for the day. And</p> <p>7 typically, as I said, they came into the office</p> <p>8 before they started their work.</p> <p>9 Q. Mr. Hatter did not -- was he full-time?</p> <p>10 A. Yes.</p> <p>11 Q. Mr. Alu was not?</p> <p>12 A. Mr. Alu was not.</p> <p>13 Q. Mr. Alu was not there every morning, was</p> <p>14 he?</p> <p>15 A. No.</p> <p>16 Q. So when Mr. Alu was the acting chief</p> <p>17 assessor, for lack of a better word, what did the</p> <p>18 field appraisers do?</p> <p>19 A. I believe they followed the same policy.</p> <p>20 Q. Well, who did they touch base with if</p> <p>21 Mr. Alu wasn't in the office?</p> <p>22 A. When Ms. Zimmerman was appointed deputy</p> <p>23 she typically oversaw the field appraisers. She</p> <p>24 was kind of their supervisor directly.</p>
<p>Page 663</p> <p>1 your knowledge?</p> <p>2 A. No.</p> <p>3 Q. A lot of the assessment office employees</p> <p>4 work from the field, correct?</p> <p>5 A. The field appraisers do.</p> <p>6 Q. Okay.</p> <p>7 And they don't always start their day at</p> <p>8 the courthouse, do they?</p> <p>9 A. Yes. Everyone comes in in the morning.</p> <p>10 They start their day at 8:30 typically in the</p> <p>11 courthouse. They go out and do their field work,</p> <p>12 and then they report back to the office to</p> <p>13 complete paperwork prior to the end of the day.</p> <p>14 There are occasions where an employee, you know,</p> <p>15 may have an appointment or something in the</p> <p>16 morning, or they're going to certain area where</p> <p>17 they would start out in the field or end out in</p> <p>18 the field, but the practice was they come into the</p> <p>19 office, they do the work, and go out to the field,</p> <p>20 do the work, and then come back to the office.</p> <p>21 Q. And is it required that employees of the</p> <p>22 assessment office who work in the field -- or just</p> <p>23 I guess generally employees in the assessment</p> <p>24 office, touch base with their supervisor the first</p>	<p>Page 665</p> <p>1 Q. Before she was deputy, what did they do?</p> <p>2 A. I don't know.</p> <p>3 Q. Jane Doe 2 was, in fact, at some point</p> <p>4 suspended, correct?</p> <p>5 A. Yes. Yeah, she was suspended.</p> <p>6 Q. Was Jane Doe 1 ever suspended?</p> <p>7 A. I believe that she was, yes. I don't</p> <p>8 recall when though.</p> <p>9 MS. SMITH: I'm going to mark as</p> <p>10 192 Zula 1748.</p> <p>11 - - -</p> <p>12 (Zula 1748 marked as Exhibit-192 for</p> <p>13 identification.)</p> <p>14 - - -</p> <p>15 BY MS. SMITH:</p> <p>16 Q. Do you recognize this e-mail chain?</p> <p>17 A. Yes.</p> <p>18 Q. In your e-mail to Ms. Zimmerman on</p> <p>19 May 4th you informed her that you were looking to</p> <p>20 schedule a meeting with the commissioners for</p> <p>21 Friday to review the work performance of Jane Doe</p> <p>22 1 and Jane Doe 2.</p> <p>23 Why were you looking to schedule a</p> <p>24 meeting with the commissioners on Friday to review</p>

<p>Page 666</p> <p>1 the work performance of Jane Doe 1 and Jane Doe 2?</p> <p>2 A. Because I believe when I had discussed</p> <p>3 with my supervisor Mr. Bender some of the</p> <p>4 performance issues that we were experiencing, that</p> <p>5 he had requested that we hold a meeting with the</p> <p>6 commissioners to apprise them of the situation.</p> <p>7 Q. Did you hold a meeting with</p> <p>8 commissioners?</p> <p>9 A. I don't recall. I'm not certain.</p> <p>10 MS. SMITH: I'm going to mark as</p> <p>11 193 Zula 1761 and 1762.</p> <p>12 - - -</p> <p>13 (Zula 1761-1762 marked as Exhibit-193</p> <p>14 for identification.)</p> <p>15 - - -</p> <p>16 THE WITNESS: Now that I look at</p> <p>17 the date.</p> <p>18 BY MS. SMITH:</p> <p>19 Q. So the 193 is an e-mail from you to</p> <p>20 Commissioner Hetherington, Hess and Defendant</p> <p>21 Halcovage, correct?</p> <p>22 A. Yes. So I didn't look at the dates on</p> <p>23 exhibit 192. So, yes, I do recall having a</p> <p>24 meeting with the commissioners in May. I noted it</p>	<p>Page 668</p> <p>1 commissioner, therefore he was informed of what</p> <p>2 the issues were regarding her performance. And</p> <p>3 that after consultation with Mr. Bender, based</p> <p>4 upon these issues, we were going to be looking to</p> <p>5 recommend her termination as a field appraiser.</p> <p>6 And, therefore, that would have to be placed on</p> <p>7 the board agenda on the par report for approval by</p> <p>8 the commissioners, and then it's Mr. Halcovage's</p> <p>9 determination as to whether or not he takes any</p> <p>10 action based upon that.</p> <p>11 BY MS. SMITH:</p> <p>12 Q. Okay.</p> <p>13 Again my question is though what's your</p> <p>14 opinion regarding whether he should or should not</p> <p>15 have participated or took action regarding Jane</p> <p>16 Doe 1 and Jane Doe 2's employment?</p> <p>17 MS. PIPAK: Object to the form. I</p> <p>18 believe it's asked and answered.</p> <p>19 If you want to ask her if she has</p> <p>20 an opinion, I think she gave her opinion if she</p> <p>21 had one. Or she responded to the question.</p> <p>22 MS. SMITH: She didn't respond to</p> <p>23 the question. She said it's put on the par. It's</p> <p>24 up to him.</p>
<p>Page 667</p> <p>1 was -- I thought it was 2021. But it was 2022.</p> <p>2 So I apologize. So, yes. Yes, there was a</p> <p>3 meeting. I'm not sure if there was a meeting or</p> <p>4 if I just then provided this synopsis of the</p> <p>5 concerns regarding their performance.</p> <p>6 Q. Why did you feel it appropriate to</p> <p>7 include Defendant Halcovage on this communication</p> <p>8 regarding individuals who had ongoing federal</p> <p>9 litigation against him?</p> <p>10 MS. PIPAK: Object to the form.</p> <p>11 You can answer.</p> <p>12 THE WITNESS: As he's still a</p> <p>13 sitting commissioner he is apprised of issues that</p> <p>14 occur within the courthouse.</p> <p>15 BY MS. SMITH:</p> <p>16 Q. So you thought it was appropriate if he</p> <p>17 weighed in on employment disciplinary action</p> <p>18 regarding two women who sued him and had ongoing</p> <p>19 federal litigation?</p> <p>20 MS. PIPAK: Object to the form.</p> <p>21 Sorry. Now you can go ahead.</p> <p>22 THE WITNESS: It's not my</p> <p>23 determination to determine if he's going to weigh</p> <p>24 in on the facts about it. He's a sitting</p>	<p>Page 669</p> <p>1 BY MS. SMITH:</p> <p>2 Q. But I'm asking her: Do you think in</p> <p>3 your opinion that he should have weighed in on it?</p> <p>4 MS. PIPAK: And you can answer if</p> <p>5 you have an opinion on this issue.</p> <p>6 THE WITNESS: I don't really have</p> <p>7 an opinion. It's his determination as a</p> <p>8 commissioner whether he votes on it or not.</p> <p>9 That's not for me to decide or not. I provided</p> <p>10 the information as he's a sitting commissioner.</p> <p>11 BY MS. SMITH:</p> <p>12 Q. So as you sit here today, you have no</p> <p>13 opinion as to whether he should weigh in?</p> <p>14 A. No, I have no opinion as to whether he</p> <p>15 should weigh in or not. If I would be in that</p> <p>16 situation, I would have an opinion as to what I</p> <p>17 would do. But as far as what Mr. Halcovage would</p> <p>18 do, I don't have an opinion.</p> <p>19 Q. Well, Ms. Zula, let's talk about whether</p> <p>20 you were in that situation.</p> <p>21 So over the course of your employment,</p> <p>22 on numerous occasions the plaintiffs asked you to</p> <p>23 not be involved in disciplinary action regarding</p> <p>24 them, correct?</p>

<p>Page 670</p> <p>1 MS. PIPAK: Object to the form.</p> <p>2 You can answer.</p> <p>3 THE WITNESS: I don't under -- I</p> <p>4 don't believe they -- I'm not sure I understand</p> <p>5 the question.</p> <p>6 BY MS. SMITH:</p> <p>7 Q. On numerous occasions the plaintiffs</p> <p>8 told you in e-mail, pretty much copy and pasted</p> <p>9 each time, that they believed you, along with the</p> <p>10 county, were engaging in retaliatory behavior in</p> <p>11 some of the actions that you took, correct?</p> <p>12 A. Yes.</p> <p>13 MS. PIPAK: Object to the -- object</p> <p>14 to the form.</p> <p>15 BY MS. SMITH:</p> <p>16 Q. And did you not find it appropriate to</p> <p>17 then recuse from matters involving the plaintiffs?</p> <p>18 A. I did not -- under certain circumstances</p> <p>19 I did not take disciplinary action against them.</p> <p>20 Q. But you did not recuse from</p> <p>21 investigations involving them, correct?</p> <p>22 MS. PIPAK: Object to the form.</p> <p>23 You can answer.</p> <p>24 THE WITNESS: No.</p>	<p>Page 672</p> <p>1 Q. Why was -- only one, correct?</p> <p>2 A. No, two.</p> <p>3 Q. Which two?</p> <p>4 A. So the issue regarding the discipline</p> <p>5 that was issued to Jane Doe 3 I believe, and Jane</p> <p>6 Doe 4. I don't know if that was the Tony Alu</p> <p>7 situation or not. And then the LexisNexis</p> <p>8 situation was outsourced.</p> <p>9 Q. Why did the county choose to outsource</p> <p>10 those two issues?</p> <p>11 A. The first issue involved the direct</p> <p>12 complaint against me. And then the second issue</p> <p>13 was based upon Mr. Hess' request regarding the</p> <p>14 completion of the investigation.</p> <p>15 Q. And you're saying so that none of the</p> <p>16 other e-mails that Jane Doe 4 and Jane Doe 3 sent</p> <p>17 where they said they believed your actions were</p> <p>18 retaliatory were complaints against you?</p> <p>19 MS. PIPAK: Object to the form.</p> <p>20 You can answer.</p> <p>21 THE WITNESS: I don't know if they</p> <p>22 were direct complaints against me, no. But I know</p> <p>23 they came -- yes, they came to me and they had</p> <p>24 that language.</p>
<p>Page 671</p> <p>1 BY MS. SMITH:</p> <p>2 Q. Ms. Zula, how -- how hard would it have</p> <p>3 been to have a third-party EEOC -- EEO officer</p> <p>4 handle the plaintiffs' claims?</p> <p>5 MS. PIPAK: Object to the form.</p> <p>6 You can answer.</p> <p>7 THE WITNESS: What claims are we</p> <p>8 referring to?</p> <p>9 BY MS. SMITH:</p> <p>10 Q. All of their reports to you that they</p> <p>11 believed you were engaging in retaliation and that</p> <p>12 the county was?</p> <p>13 MS. PIPAK: Object to form. You</p> <p>14 can answer.</p> <p>15 THE WITNESS: I guess we could have</p> <p>16 outsourced every single e-mail that they sent</p> <p>17 regarding retaliatory behavior. Yes, we could</p> <p>18 have done that.</p> <p>19 BY MS. SMITH:</p> <p>20 Q. On any occasion did you suggest to Mr.</p> <p>21 Bender or anyone else that you guys should</p> <p>22 outsource these issues?</p> <p>23 A. Yes. We did outsource one of the</p> <p>24 issues, yes.</p>	<p>Page 673</p> <p>1 BY MS. SMITH:</p> <p>2 Q. Let's talk about the LexisNexis</p> <p>3 investigation. Jane Doe 3 and Jane Doe 4 were</p> <p>4 suspended in September of 2021, correct?</p> <p>5 A. Yes.</p> <p>6 Q. And they are still to this day on unpaid</p> <p>7 suspension, correct?</p> <p>8 A. I believe so. I'm not certain.</p> <p>9 Q. As of the day you left the county they</p> <p>10 were still on unpaid suspension, correct?</p> <p>11 A. Yes.</p> <p>12 Q. What is your understanding of why the</p> <p>13 LexisNexis investigation began?</p> <p>14 A. It was based upon e-mail communication</p> <p>15 that was received from Jane Doe 3's county e-mail</p> <p>16 address by Deb Dash indicating that someone had</p> <p>17 accessed her account, or changed the password, I</p> <p>18 don't recall the exact wording. And that is when</p> <p>19 she presented it to Mr. Roth and asked if he had</p> <p>20 accessed the account because she hadn't accessed</p> <p>21 the account, and so they were trying to determine</p> <p>22 whom had accessed the account.</p> <p>23 Q. Okay.</p> <p>24 And then so Ms. Dash goes to Mr. Roth;</p>



<p>Page 674</p> <p>1 is that correct?</p> <p>2 A. Yes.</p> <p>3 Q. And then who does Mr. Roth go to?</p> <p>4 A. He came and talked to me about it.</p> <p>5 Q. Okay.</p> <p>6 A. And then he -- it was decided he and</p> <p>7 Ms. Dash would reach out to LexisNexis to discuss</p> <p>8 their -- to determine, you know, what occurred.</p> <p>9 Because I think there was communication in the</p> <p>10 e-mail indicating that they would need -- if</p> <p>11 there's -- if the e-mail was received in error or</p> <p>12 you didn't access the account you should contact</p> <p>13 this number.</p> <p>14 Q. Well, the log-in information was Jane</p> <p>15 Doe 3's, correct?</p> <p>16 A. Yes.</p> <p>17 Q. Did anyone ever pick up the phone and</p> <p>18 say, Jane Doe 3, did you access your account?</p> <p>19 MS. PIPAK: Object to the form. Go</p> <p>20 ahead.</p> <p>21 THE WITNESS: No. Not to my</p> <p>22 knowledge.</p> <p>23 BY MS. SMITH:</p> <p>24 Q. How do you know that there was</p>	<p>Page 676</p> <p>1 MS. PIPAK: Object to the form.</p> <p>2 You can answer.</p> <p>3 THE WITNESS: Yes. There was</p> <p>4 potential we could have done that, yes.</p> <p>5 BY MS. SMITH:</p> <p>6 Q. But instead you have launched into a 13</p> <p>7 -- or the county has launched into a 13-month</p> <p>8 investigation regarding Jane Doe 3's accessing her</p> <p>9 account, correct?</p> <p>10 MS. PIPAK: I'm going to object to</p> <p>11 the form. You can answer if you're able.</p> <p>12 THE WITNESS: The investigation</p> <p>13 that was launched into by me was completed in</p> <p>14 approximately two months or so I did. And then it</p> <p>15 was basically reviewed and turned over, and</p> <p>16 spurred into something that was way beyond my</p> <p>17 control.</p> <p>18 BY MS. SMITH:</p> <p>19 Q. Okay.</p> <p>20 So -- I'm sorry. Roth comes to you, and</p> <p>21 then you reached out to LexisNexis?</p> <p>22 A. No, he reached out to LexisNexis.</p> <p>23 Q. Okay.</p> <p>24 Do you know why he reached out to</p>
<p>Page 675</p> <p>1 unauthorized access to her account if she could</p> <p>2 have been the one who did it?</p> <p>3 A. She was on FMLA leave, so she should not</p> <p>4 have been accessing the account, and it was</p> <p>5 determined -- well, that was after the fact, but</p> <p>6 --</p> <p>7 Q. What was determined?</p> <p>8 A. It was determined that it was accessed</p> <p>9 from an iPhone, which was then subsequently</p> <p>10 determined to be Jane Doe 3's iPhone.</p> <p>11 Q. Did you ever talk to Russ Moscow and</p> <p>12 find out that he had asked Jane Doe 3 for a bill</p> <p>13 so the county could pay it and that's why she</p> <p>14 accessed it?</p> <p>15 A. Yes, during the investigation we did.</p> <p>16 Q. After you had already called LexisNexis?</p> <p>17 A. Yes.</p> <p>18 Q. So if you had simply picked up the phone</p> <p>19 and said, Jane Doe 3, why did you access your</p> <p>20 account? Or did you access your account? And if</p> <p>21 so, why did you do so on FMLA? You would have</p> <p>22 been made aware that it was her, there was no</p> <p>23 unauthorized access, and it was simply so the</p> <p>24 county could timely pay a bill, correct?</p>	<p>Page 677</p> <p>1 LexisNexis?</p> <p>2 A. Because the e-mail indicated that if you</p> <p>3 are not -- this log-in was inappropriate or you</p> <p>4 didn't change your password, I don't remember what</p> <p>5 the exact verbiage was, that you were to contact</p> <p>6 LexisNexis. I don't know if it gave a number or</p> <p>7 what it did. But it said to contact them.</p> <p>8 Q. Okay.</p> <p>9 And then at some point then after that</p> <p>10 you conducted an investigation, correct?</p> <p>11 A. Yes.</p> <p>12 Q. What did your investigation entail?</p> <p>13 A. So after we discovered that Jane Doe 3</p> <p>14 had accessed the LexisNexis site I guess we'll</p> <p>15 call it, while she was on leave, when discussing</p> <p>16 that with my supervisor, it was requested that we</p> <p>17 get the history to see what was done. When</p> <p>18 LexisNexis gave the history, we -- I reviewed it</p> <p>19 and found that there were people who I was</p> <p>20 familiar with that it didn't make sense that she</p> <p>21 would be searching those particular people.</p> <p>22 Q. So before you requested the search</p> <p>23 history, you had already found out that Jane Doe 3</p> <p>24 had accessed the site while on FMLA leave for</p>



<p>Page 678</p> <p>1 purposes of paying a bill? Or having the county 2 pay a bill?</p> <p>3 A. We didn't know it was for the purpose of 4 paying a bill at that point in time.</p> <p>5 Q. But you knew Jane Doe 3 had accessed it?</p> <p>6 A. Yes.</p> <p>7 Q. So did you contact Jane Doe 3 to ask her 8 why?</p> <p>9 A. No.</p> <p>10 Q. Instead you asked for a search history 11 back to January, 2020, correct?</p> <p>12 A. Yes.</p> <p>13 Q. Why?</p> <p>14 A. That was what I was requested to do.</p> <p>15 Q. By whom?</p> <p>16 A. By Mr. Bender.</p> <p>17 Q. Did you question it?</p> <p>18 A. No.</p> <p>19 Q. Did you say should we reach out to Jane 20 Do 3?</p> <p>21 A. No.</p> <p>22 Q. Why not?</p> <p>23 A. Because she was on leave. And 24 regardless, she should not have been accessing the</p>	<p>Page 680</p> <p>1 that you viewed from LexisNexis, how many names 2 was it?</p> <p>3 A. I don't recall.</p> <p>4 Q. Was it a short list? A long list?</p> <p>5 A. It was a fairly long list. I don't 6 recall the number. I don't recall the number of 7 people that were -- the searches that were 8 highlighted on that list. I don't.</p> <p>9 Q. But it was all searches from January, 10 2020 through August of 2021, correct?</p> <p>11 A. Yes.</p> <p>12 Q. Okay.</p> <p>13 So over a year's worth of searches, 14 correct?</p> <p>15 A. Yes.</p> <p>16 Q. Okay.</p> <p>17 What was -- what did you do with that 18 list?</p> <p>19 A. So I reviewed the list first to 20 determine if there were any searches done around 21 the time that the password was changed, and found 22 that there were not. And then reviewed the whole 23 list and found that there were a number of 24 searches that were conducted that did not seem to</p>
<p>Page 679</p> <p>1 LexisNexis site while she was on leave.</p> <p>2 Q. Even to have the county pay a bill on 3 time?</p> <p>4 A. Yes. She should not have been accessing 5 the site while she was on leave.</p> <p>6 Q. Do you think accessing the site while on 7 leave justifies a 13-month unpaid suspension?</p> <p>8 MS. PIPAK: Objection to the form.</p> <p>9 You can answer.</p> <p>10 THE WITNESS: I don't believe 11 that's why she's continuing to be on unpaid 12 suspension. The investigation is still ongoing is 13 my understanding.</p> <p>14 BY MS. SMITH:</p> <p>15 Q. That's not my question.</p> <p>16 Do you think if a simple fact that she 17 accessed the site while on leave for the purpose 18 of having the county timely pay a bill, would that 19 warrant a 13-month unpaid suspension?</p> <p>20 A. In and of itself, no.</p> <p>21 Q. So then you do eventually get a list 22 back from LexisNexis, correct?</p> <p>23 A. Yes.</p> <p>24 Q. That list -- the first list you got,</p>	<p>Page 681</p> <p>1 be appropriate usage of the LexisNexis system.</p> <p>2 Q. What is your understanding of why Jane 3 Doe 3 has access to LexisNexis?</p> <p>4 A. The -- my understanding, and I believe 5 this is what Jane Doe 3 and Jane Doe 4 told me, 6 was to search for addresses for people they needed 7 to touch base with regarding to serve notices for 8 delinquent taxes. I believe it was in preparation 9 of like judicial sales, upset sales, those types 10 of sales that they needed to find people and 11 addresses for, you know, those specific properties 12 that were going up for sale. And then I believe 13 they also utilized it if there was somebody who 14 was diseased to look for their next of kin.</p> <p>15 Q. Are you familiar with Retzel?</p> <p>16 A. No.</p> <p>17 Q. The real estate tax sale law?</p> <p>18 A. Oh. Well, I'm familiar with what -- I 19 know it exists, yes.</p> <p>20 Q. Are you familiar were the fact that the 21 tax claim bureau has to comply with Retzel 22 regarding judicial sales and upset sales?</p> <p>23 A. Yes.</p> <p>24 Q. When you looked at that list, that</p>

<p style="text-align: right;">Page 682</p> <p>1 initial list you got from LexisNexis, did you look  2 at Retzel to understand what Jane Doe 3 might  3 utilize LexisNexis for to comply with it?  4 A. No.  5 Q. Other than looking at the list and  6 thinking this name seems out of place, or maybe  7 unauthorized, did you do anything else do  8 determine if, in fact, those names were  9 unauthorized searches?  10 A. Yes. I met with Jane Doe 3 and Jane Doe  11 4 to question them as to why those names were ran.  12 Q. And at any point during your meeting  13 with either of them, was any of the information  14 they conveyed to you, did it suggest that they  15 were unauthorized searches?  16 A. Yes.  17 Q. Which search?  18 A. Ms. Casey, they had no recollection as  19 to why they would have run that search or for what  20 purpose. And Halcovage, I believe that one they  21 had no recollection as to why.  22 My search, they did conduct a search on  23 my prior to my employment, and they indicated they  24 did so as part of my employment background, which</p>	<p style="text-align: right;">Page 684</p> <p>1 the commissioners should know prior to voting on  2 that person's employment?  3 MS. PIPAK: Objection to the form.  4 You can answer.  5 THE WITNESS: That's not something  6 that we review when we go through our background  7 checks for new employees.  8 BY MS. SMITH:  9 Q. I understand that's not something you go  10 through for your background checks. But is it  11 something is that the commissioners should know  12 and are delinquent taxes within the purview of the  13 Tax Claim Bureau?  14 A. Yes.  15 Q. Okay.  16 So is finding out if you had delinquent  17 taxes something in the purview of Tax Claim  18 Bureau?  19 A. Yes.  20 Q. So if there were allegations that you  21 had delinquent taxes, would that search of you not  22 be authorized?  23 A. The issue with the search on me was that  24 they searched it prior to that comment even being</p>
<p style="text-align: right;">Page 683</p> <p>1 is not an appropriate usage of the system.  2 Kathleen Gillespie I think was one of  3 them. They had no explanation as to why they  4 searched her as related to their duties. I can't  5 recall the others that were part of it.  6 Q. Let's start with you, Ms. Zula. There  7 was an allegation -- you were actually originally  8 on the par, I think we discussed this yesterday,  9 and removed, correct?  10 A. I was on the par report for, yes, the  11 meeting in November.  12 Q. The agenda, right?  13 A. Yes.  14 Q. Okay.  15 And then it wasn't voted on that day,  16 correct?  17 A. No.  18 Q. There was allegations that circulated  19 that you had delinquent taxes, correct?  20 A. Yes.  21 Q. And if an employee had delinquency  22 taxes, that's something that the commissioners  23 should know -- or strike that. If a potential  24 employee had delinquent taxes, that's something</p>	<p style="text-align: right;">Page 685</p> <p>1 raised to the commissioners. Prior to the board  2 meeting during the public comment section of the  3 meeting.  4 Q. You -- but you don't know if they had  5 been told that there was -- that you had  6 delinquent taxes, do you?  7 A. I believe Jane Doe 4 indicated that Jeff  8 Dunkel informed her that he believed I had  9 delinquent taxes.  10 Q. So if someone had told them that you had  11 delinquent taxes, is that not within the purview  12 of the Tax Claim Bureau to look up?  13 A. No, not for that purpose. No. I wasn't  14 being -- my property wasn't going up for sheriff  15 sale. It wasn't going up for upset sale. Nor did  16 I have delinquent taxes at that period of time.  17 They -- it would not be appropriate for them to  18 utilize the system to conduct a background check  19 on a new employee.  20 Q. No one indicated that they conducted a  21 background check of you? And in order to find out  22 if you had delinquent taxes, they would have to  23 search you, correct?  24 A. Not on --</p>

<p>Page 686</p> <p>1 MS. PIPAK: Object to the form.</p> <p>2 THE WITNESS: Not on the LexisNexis</p> <p>3 system. They could clearly see that in the -- in</p> <p>4 the -- I don't know if it's -- I guess it's all of</p> <p>5 the Govern system, or the Smart Term system, they</p> <p>6 could clearly see if I had delinquent taxes on</p> <p>7 there.</p> <p>8 BY MS. SMITH:</p> <p>9 Q. Only on the property you currently</p> <p>10 owned, correct?</p> <p>11 A. No. They can have -- they have history.</p> <p>12 They have access to the history. It's public</p> <p>13 record that you can get all of that information.</p> <p>14 Q. And what properties you were previously</p> <p>15 associated with, what properties you might have</p> <p>16 interest in that owed delinquent taxes would not</p> <p>17 be on Govern system, would it?</p> <p>18 A. They would be in the Smart Term system</p> <p>19 that you can -- that they would have had access</p> <p>20 to, yes, they would.</p> <p>21 Q. Are you sure of that?</p> <p>22 A. Yes.</p> <p>23 Q. Okay.</p> <p>24 When Jane Doe 3 and Jane Doe 4 were</p>	<p>Page 688</p> <p>1 to review any additional documentation during the</p> <p>2 meeting.</p> <p>3 BY MS. SMITH:</p> <p>4 Q. Ms. Zula, they had never seen the list</p> <p>5 of names before they got there, correct?</p> <p>6 A. No.</p> <p>7 Q. How would they know what documentation</p> <p>8 they needed?</p> <p>9 A. They never requested it during the</p> <p>10 meeting. If they believed that they would have</p> <p>11 documentation to support those searches or needed</p> <p>12 more information, they could have indicated that.</p> <p>13 However, they did not.</p> <p>14 Q. Ms. Zula, there was an unemployment</p> <p>15 hearing, correct?</p> <p>16 A. Yes.</p> <p>17 Q. And documentation to substantiate their</p> <p>18 unemployment as unlawful was requested, correct?</p> <p>19 MS. PIPAK: Object to the form.</p> <p>20 You can answer.</p> <p>21 THE WITNESS: I don't know what</p> <p>22 you're asking.</p> <p>23 BY MS. SMITH:</p> <p>24 Q. Jane Doe 3 and Jane Doe 4 appealed --</p>
<p>Page 687</p> <p>1 questioned, were they permitted to look at any</p> <p>2 documents, look at any return mailings, look at</p> <p>3 any Smart Term or Govern or any other system to</p> <p>4 determine why they conducted these searches?</p> <p>5 MS. PIPAK: Object to the form.</p> <p>6 I'm not sure I understand what you're asking. If</p> <p>7 you understand it.</p> <p>8 BY MS. SMITH:</p> <p>9 Q. You brought Jane Doe 3 and Jane Doe 4</p> <p>10 separately into a room and gave them a list of</p> <p>11 eight or ten names, correct?</p> <p>12 A. Yes.</p> <p>13 Q. Some basic information regarding the</p> <p>14 searches that were conducted, correct?</p> <p>15 A. Yes.</p> <p>16 Q. Jane Doe 3 and Jane Doe 4 during those</p> <p>17 interviews had access to no other documents or</p> <p>18 systems to be able to determine if those searches</p> <p>19 that happened months prior were -- could be</p> <p>20 substantiated in any way, correct?</p> <p>21 MS. PIPAK: Object to the form. Go</p> <p>22 ahead.</p> <p>23 THE WITNESS: I did not provide</p> <p>24 them with any documentation, nor did they request</p>	<p>Page 689</p> <p>1 I'm sorry, the county appealed the granting of</p> <p>2 their unemployment, correct?</p> <p>3 A. Yes.</p> <p>4 Q. And in doing so Jane Doe 4 and Jane Doe</p> <p>5 3 requested documents from the county to support</p> <p>6 their granting of unemployment?</p> <p>7 A. I don't know if they did or if they</p> <p>8 didn't. I wasn't involved in producing any</p> <p>9 documents to them for their unemployment hearing.</p> <p>10 Q. Ms. Zula, you testified at the</p> <p>11 unemployment hearing?</p> <p>12 A. Yes, I did.</p> <p>13 Q. Did you not hear them request the</p> <p>14 documents during the unemployment hearing?</p> <p>15 A. That was a line of questioning, but they</p> <p>16 didn't request them prior to the hearing to</p> <p>17 produce them.</p> <p>18 Q. Did you ever produce the documents after</p> <p>19 the hearing to them?</p> <p>20 A. No, I didn't.</p> <p>21 Q. Do you know if anyone did?</p> <p>22 A. I don't know.</p> <p>23 Q. So it's your testimony that an employee</p> <p>24 has to request documents to be able to defend</p>

<p>1 themselves against the county questioning them?  2 MS. PIPAK: Objection to form. You  3 can answer.  4 THE WITNESS: If they are  5 indicating that there are documents that exist --  6 I didn't know there were documents that existed  7 that can substantiate their searches. So, yes,  8 they would have had to say, yes, there's  9 documents. I need some time to get them. But  10 they didn't indicate that.  11 BY MS. SMITH:  12 Q. Did you ever go and look at any of the  13 assessment office work to figure out if any of the  14 searches were justified?  15 MS. PIPAK: Object to the form.  16 You can answer.  17 THE WITNESS: I reviewed  18 information on Smart Term to determine if there  19 was any searches -- any delinquent taxes in that  20 time frame when the searches were conducted.  21 BY MS. SMITH:  22 Q. Did you look to bankruptcies?  23 A. No.  24 Q. Did you look to Govern?</p>	<p>Page 690</p> <p>1 understand the question.  2 BY MS. SMITH:  3 Q. Looking at Smart Term, did you do that  4 on your own?  5 A. Yes.  6 Q. Do you believe you understood how  7 LexisNexis is utilized in connection with Retzel  8 enough to be the one to make that determination?  9 A. Yes.  10 Q. What does Retzel say?  11 A. I don't know the exact terminology in  12 the law. I utilized what Jane Doe 4 and Jane Doe  13 3 told me that they utilized LexisNexis for as my  14 basis for whether or not their searches were  15 appropriate.  16 Q. Did you look to Retzel when you were  17 doing those searches?  18 A. No, I did not.  19 Q. Have you ever looked at Retzel?  20 A. I've seen it, yes.  21 Q. What does it say?  22 A. I don't know.  23 Q. Okay.  24 The search list was provided to</p> <p>Page 692</p>
<p>Page 691</p> <p>1 A. I looked on the Smart Term system which  2 ties to the public system on the website.  3 Q. Did you look to Govern?  4 A. No, I don't have access to that.  5 Q. Did look to return mailings?  6 A. No, I did not.  7 Q. Did you look to old lien holders or  8 property holders?  9 A. No.  10 Q. Did you look to sale records to figure  11 out if properties had been sold, but someone else  12 back when the search was run was the actual  13 property owner?  14 A. Yes. Well, I looked at -- in the system  15 you could see history of a property, and when  16 somebody owned a particular property. So, yes I,  17 did look at that to compare it to when the  18 property -- when the person was searched and what  19 properties they owned to determine if those  20 properties had any delinquent taxes.  21 Q. Ms. Zula, did you conduct this  22 evaluation of the searches on your own?  23 MS. PIPAK: Object to the form.  24 THE WITNESS: I'm not sure I</p>	<p>Page 693</p> <p>1 Defendant Halcovage, correct?  2 A. Which search list?  3 Q. Any of them.  4 A. Yes. There was search information that  5 was provided, yes.  6 Q. Why?  7 A. So the initial searches, the few that  8 were questioned initially were reviewed with the  9 commissioners after my investigation was completed  10 on that. It was then determined that based upon  11 the information that a full search history was  12 requested from LexisNexis of Jane Doe 3's account.  13 At that point after we received that, then the  14 search history was provided to the commissioners,  15 the solicitor's office. Mr. Bender had an  16 opportunity to review it to determine if there  17 were others that potentially were not searched  18 appropriately.  19 Q. Do you know if any of individual who  20 were provided the list looked to Smart Term,  21 Govern, Return Mailing to figure out if searches  22 were in fact authorized?  23 A. I don't know.  24 Q. How were the -- strike that.</p>



<p>Page 694</p> <p>1 So you get this initial list from</p> <p>2 LexisNexis. You look at it. That -- is it that</p> <p>3 list that's provided to commissioners? Or based</p> <p>4 on list then you request a larger list?</p> <p>5 A. Can you repeat that?</p> <p>6 Q. So you get the first list.</p> <p>7 A. Uh-huh.</p> <p>8 Q. You look at it.</p> <p>9 A. Yes.</p> <p>10 Q. You say I think there's some</p> <p>11 unauthorized searches here?</p> <p>12 A. Yes.</p> <p>13 Q. Who do you go to then?</p> <p>14 A. Mr. Bender.</p> <p>15 Q. Who does Mr. Bender tell you?</p> <p>16 A. So he told me to look into it, and</p> <p>17 that's what prompted my investigation of the</p> <p>18 initial eight, or however many there were. We</p> <p>19 completed that investigation, and once that</p> <p>20 investigation was completed it was decided to meet</p> <p>21 with the commissioners to review that information</p> <p>22 so --</p> <p>23 Q. I'm going stop you there just because I</p> <p>24 want to ask you some question as we go along the</p>	<p>Page 696</p> <p>1 information?</p> <p>2 A. So we -- I reviewed along the way with</p> <p>3 my supervisor the investigation. And then at the</p> <p>4 conclusion it was determined that we would meet</p> <p>5 with the commissioners regarding the findings.</p> <p>6 Q. Do you recall when that was, give or</p> <p>7 take?</p> <p>8 A. October-ish maybe.</p> <p>9 Q. Okay. Within the same year?</p> <p>10 A. Yeah. Oh, yeah, within -- yes, sometime</p> <p>11 in October. I think it was October. I'm not</p> <p>12 certain.</p> <p>13 Q. Okay. And did you create a findings</p> <p>14 report or did --</p> <p>15 A. Yes.</p> <p>16 Q. Did you create a findings report?</p> <p>17 A. Yes.</p> <p>18 Q. Okay.</p> <p>19 And it was written?</p> <p>20 A. Yes.</p> <p>21 Q. And that was given to the commissioners?</p> <p>22 A. I don't know if they actually got a copy</p> <p>23 of the report. I don't -- I'm not certain if that</p> <p>24 went to them. I know that I provided it to my</p>
<p>Page 695</p> <p>1 way.</p> <p>2 A. Sure.</p> <p>3 Q. Okay.</p> <p>4 So you meet with Bender. Then you say</p> <p>5 he instructs you to do your investigation, which</p> <p>6 is interviewing Jane Doe 3 and Jane Doe 4?</p> <p>7 A. Jane Doe 3 and Jane Doe 4, yes.</p> <p>8 Q. Any other investigation?</p> <p>9 A. A review of the Smart Term system. I</p> <p>10 did -- I did a review with LexisNexis about the</p> <p>11 information that's produced as part of the</p> <p>12 searches that were run. I met with their -- I</p> <p>13 don't know if she's called -- I don't remember</p> <p>14 what her title was. But the woman that I worked</p> <p>15 with with LexisNexis who provided me with the</p> <p>16 information regarding the system, how it's</p> <p>17 accessed. So that was all included as part of my</p> <p>18 investigation.</p> <p>19 Q. And is this documented in some type of</p> <p>20 investigation report?</p> <p>21 A. Yes.</p> <p>22 Q. Okay.</p> <p>23 As a result then of that, you said you</p> <p>24 met with the commissioners and provided them the</p>	<p>Page 697</p> <p>1 supervisor Gary Bender. I'm not certain if it was</p> <p>2 given to the commissioners or not.</p> <p>3 Q. You wrote a report. You gave it to Mr.</p> <p>4 Bender. Did Mr. Bender make any changes?</p> <p>5 A. I don't recall him -- I don't remember.</p> <p>6 Q. But a final report was --</p> <p>7 A. A final report was prepared, yes.</p> <p>8 Q. Okay.</p> <p>9 By you and you alone?</p> <p>10 A. I prepared the report. The report was</p> <p>11 reviewed by counsel, and then I finalized the</p> <p>12 report.</p> <p>13 Q. Did the report have a conclusion?</p> <p>14 A. I believe that the conclusion was that</p> <p>15 they violated the LexisNexis protocols regarding</p> <p>16 the searches that were conducted.</p> <p>17 Q. And did it have a conclusion or</p> <p>18 recommendation as to disciplinary action?</p> <p>19 A. I don't recall if that was part of the</p> <p>20 report or not.</p> <p>21 Q. At that point were Jane Doe 3 and Jane</p> <p>22 Doe 4 disciplined in any way?</p> <p>23 A. They were on suspension during the</p> <p>24 investigation.</p>



<p>Page 698</p> <p>1 Q. Was there -- were they put up for 2 termination at that point?</p> <p>3 A. I don't recall. There was a termination 4 par submitted. I don't exactly recall when. And 5 then that was put forth to the commissioners at 6 the commissioner's meeting. And then at that 7 point I believe the par was tabled. I think it 8 was tabled. And then Mr. Hess had asked for an 9 independent review of the investigation that I had 10 completed.</p> <p>11 Q. Well, Commissioner Hess' request for the 12 independent investigation was during the 13 commissioner's meeting, correct?</p> <p>14 A. Yes, I believe so.</p> <p>15 Q. During that initial meeting where you 16 gave -- well, I don't think you said you gave him. 17 But there was a meeting before the commissioner's 18 meeting about your findings regarding LexisNexis, 19 correct?</p> <p>20 A. Yes.</p> <p>21 Q. What was Mr. -- what was Commissioner 22 Hess' position or question at that meeting?</p> <p>23 A. I think he had questions at different 24 aspects of the investigation. I don't really</p>	<p>Page 700</p> <p>1 A. There was no information to support that 2 it was for a business purpose.</p> <p>3 Q. Again they could provide you with one, 4 but they had no access at that point to the 5 systems that may have permitted to them to provide 6 that, correct?</p> <p>7 MS. PIPAK: Objection to the form. 8 You can answer.</p> <p>9 THE WITNESS: Nor had they 10 requested any access to them.</p> <p>11 BY MS. SMITH:</p> <p>12 Q. Again, the question again is they didn't 13 have access to them, correct?</p> <p>14 A. Not at that time.</p> <p>15 Q. Okay. 16 So they get put up for termination. 17 Hess asked for an independent investigation and it 18 gets tabled, correct?</p> <p>19 A. Yes. At some point, yeah. I don't 20 recall the date, but yes.</p> <p>21 Q. Eckert Seamans is then retained to 22 conduct an independent investigation of -- well, 23 Eckert Seamans is originally retained to just 24 conduct a review of your investigation and make a</p>
<p>Page 699</p> <p>1 recall much more beyond that.</p> <p>2 Q. And who decided to draft a termination 3 par from Jane Doe 3 and Jane Doe 4?</p> <p>4 A. After Mr. Bender and I reviewed the 5 information, he asked me to draft the termination 6 par.</p> <p>7 Q. Do you believe that Jane Doe 3, Jane Doe 8 4's, what you believe was alleged -- what you 9 believe was unauthorized searches, warrants 10 termination?</p> <p>11 A. Yes.</p> <p>12 MS. PIPAK: I'm going to object to 13 the form. But go ahead.</p> <p>14 THE WITNESS: Yes.</p> <p>15 BY MS. SMITH:</p> <p>16 Q. Why?</p> <p>17 A. I believe that they misused their 18 authority and access to the system, which was 19 clearly given to them as result of their position, 20 and they utilized it for their own personal use.</p> <p>21 Q. What do you think they used the 22 information for?</p> <p>23 A. I don't know.</p> <p>24 Q. How do you know it was for personal use?</p>	<p>Page 701</p> <p>1 finding on that, correct?</p> <p>2 A. Yes.</p> <p>3 Q. They weren't at that point tasked with 4 doing their own interviews and investigation, 5 correct?</p> <p>6 A. No, they were not.</p> <p>7 Q. Did they then give the county a report 8 as to their findings?</p> <p>9 A. Yes, my understanding is they did.</p> <p>10 Q. Did you ever see it?</p> <p>11 A. I did see it. I don't know if I have a 12 copy of it. But it was not directed towards me. 13 I wasn't involved in that process. I simply 14 turned my investigation over, answered the 15 questions and that was my involvement.</p> <p>16 Q. Okay. 17 Who was it given to? The Eckert Seamans 18 report.</p> <p>19 A. I believe Mr. Bender is the one who 20 received it.</p> <p>21 Q. And -- but you said you did see it?</p> <p>22 A. Yes, I do recall seeing it.</p> <p>23 Q. And what did the report say?</p> <p>24 MS. PIPAK: I'm going to object on</p>

Page 702	Page 704
<p>1 basis of attorney/client privilege. And we can 2 discuss this to the extent that you're asking for 3 communications with counsel. 4 I think it's our position that we 5 are not relying on advice of counsel defense. 6 It's about the underlying fact. She's testified 7 to all the underlying facts. This is a legal 8 memo. 9 MS. FOX: The Eckert Seamans 10 report? 11 MS. PIPAK: Yes. It's a legal 12 opinion. So I think its covered by 13 attorney/client privilege. 14 MR. TOWNSEND: Yeah, this is the 15 issue about whether you have to waive the 16 privilege when you're asserting -- when you're 17 using the investigation as part of your defense. 18 I think we disagree with your position on that, 19 but I don't know if we're going to resolve that 20 here. 21 MS. PIPAK: Right. And I think up 22 until what she testified up to this point, I don't 23 think it's an investigation by a law firm that 24 we're relying on as our defense. I think she's</p>	<p>1 2021. 2 Q. And do you know if after that report 3 Jane Doe 4 and Jane Doe 3 were again put up for 4 termination? 5 A. I don't recall the timing of the 6 termination part. I don't recall when it was. 7 Q. Who at the county reviewed the Eckert 8 Seamans report? 9 A. I believe it was reviewed by Mr. Bender. 10 Q. And after he reviewed it did he instruct 11 you to take certain actions? 12 A. I don't recall. I don't recall the 13 timing I don't. 14 Q. Well, after the report was received you 15 did take subsequent actions regarding the 16 LexisNexis investigation, correct? 17 A. I don't know the timing. We did take 18 subsequent actions regarding the investigation, 19 but I don't know if the timing is associated with 20 the Eckert Seamans report. 21 Q. Okay. 22 I'm sorry. So let's just start with 23 this after the Eckert Seamans report, did the 24 county take any action regarding the LexisNexis</p>
Page 703	Page 705
<p>1 testifying about her investigation. 2 MR. TOWNSEND: I guess let's see -- 3 can she ask further questions about not the 4 contents of that report, but how it's used in the 5 process after it was provided to the county? 6 MS. PIPAK: I can hear the 7 question. I don't know if I understand what's -- 8 what's going to be asked or -- 9 MR. TOWNSEND: Right. Well, I 10 guess continue and -- 11 BY MS. SMITH: 12 Q. So, Ms. Zula, as result of that report 13 did the county take any action? 14 A. I don't recall if the report was -- I 15 don't recall the timing. I'm not certain. I 16 don't -- I don't recall the timing as far as if 17 the par -- another par was put on. I don't 18 recall. I don't remember the timing of it all. 19 Q. Well, do you recall when the Eckert 20 Seamans report was received? 21 A. No, I don't recall the time -- I don't 22 recall the timing. 23 Q. Was it within the year 2021? 24 A. Yes, I believe it was within the year</p>	<p>1 investigation? 2 A. I don't know if it was after receipt of 3 the LexisNexis report because -- or the Eckert 4 Seamans report, excuse me, because I don't recall 5 when we got that report. The county did take 6 additional action beyond the investigation that 7 was conducted by me. 8 Q. Well, I'm not asking -- maybe there's 9 some confusion. I'm not asking if the termination 10 par was after the Eckert Seamans report, because 11 you testified you don't know. But I'm asking any 12 action related to LexisNexis after the Eckert 13 Seamans report. 14 Was there any action taken? 15 A. What action are you referring to? 16 Q. I -- again I don't -- didn't work at the 17 county. I wasn't privy at all. So I'm trying to 18 find out from you because you worked there what 19 happened after the LexisNexis report. Obviously 20 we know Jane Doe 4 and Jane Doe 3 weren't brought 21 back to work, correct? 22 A. The LexisNexis or the Eckert Seamans 23 report? 24 Q. I'm sorry, Eckert Seamans.</p>

<p>Page 706</p> <p>1 A. Okay.</p> <p>2 That's what I'm saying. I don't know</p> <p>3 when the Eckert Seamans report was received to</p> <p>4 know if the action that was taken by the county</p> <p>5 was taken before the report was receive or after</p> <p>6 the report was received.</p> <p>7 MS. PIPAK: Okay.</p> <p>8 I don't want to coach the witness,</p> <p>9 maybe we can clear this up and she can step out</p> <p>10 real quick, and we can -- I don't know.</p> <p>11 MS. SMITH: I mean if you want to</p> <p>12 go on a break and she wants to figure out when the</p> <p>13 Eckert Seamans report was received, because I mean</p> <p>14 --</p> <p>15 MS. PIPAK: I'm not going to</p> <p>16 have --</p> <p>17 MS. FOX: Let's go off the record.</p> <p>18 VIDEOGRAPHER: The time is now</p> <p>19 4:04 p.m. and we're going off the record.</p> <p>20 ---</p> <p>21 (Whereupon, a brief recess was held off</p> <p>22 the record.)</p> <p>23 ---</p> <p>24 VIDEOGRAPHER: The time is now 4:17</p>	<p>Page 708</p> <p>1 A. Yes.</p> <p>2 Q. And these are two pars for Ms. -- one</p> <p>3 for Jane Doe 3's and Jane Doe 4's termination in</p> <p>4 March of 2022, correct?</p> <p>5 A. Yes.</p> <p>6 Q. So would -- does this refresh your</p> <p>7 recollection as to whether or not action was taken</p> <p>8 after that Eckert Seamans initial report was</p> <p>9 received?</p> <p>10 A. So --</p> <p>11 MS. PIPAK: I'm going to object to</p> <p>12 the form. You can answer, if you can answer. If</p> <p>13 you know, you can answer.</p> <p>14 THE WITNESS: I believe the report,</p> <p>15 the initial Eckert Seamans report was received</p> <p>16 sometime in 2021. And then, yes, based upon these</p> <p>17 par reports, this -- a termination action was put</p> <p>18 through and recommended on March 7th of 2022.</p> <p>19 BY MS. SMITH:</p> <p>20 Q. Okay.</p> <p>21 And who recommended or requested that</p> <p>22 these PARS be written?</p> <p>23 A. Mr. Bender.</p> <p>24 Q. Do you know why?</p>
<p>Page 707</p> <p>1 p.m. and we're back on the record.</p> <p>2 BY MS. SMITH:</p> <p>3 Q. Ms. Zula, I think you indicated that the</p> <p>4 first Eckert Seamans report was received by</p> <p>5 Defendant Bender, correct?</p> <p>6 A. Yes.</p> <p>7 Q. Did the commissioners each see that</p> <p>8 report?</p> <p>9 A. I don't know.</p> <p>10 Q. And I think you said that was in</p> <p>11 December, correct?</p> <p>12 A. I don't remember the timing.</p> <p>13 Q. Was it in 2021?</p> <p>14 A. I believe it was, yes.</p> <p>15 MS. SMITH: Okay.</p> <p>16 I'm going to mark Zula 1412 through</p> <p>17 1414 as 194.</p> <p>18 ---</p> <p>19 (Zula 1412-1414 marked as Exhibit-194</p> <p>20 for identification.)</p> <p>21 ---</p> <p>22 BY MS. SMITH:</p> <p>23 Q. Ms. Zula, do you recognize these</p> <p>24 documents?</p>	<p>Page 709</p> <p>1 A. I believe based upon the review of</p> <p>2 investigation, and then --</p> <p>3 Q. Your investigation?</p> <p>4 A. Yes.</p> <p>5 Q. Okay.</p> <p>6 So, Ms. Zula, you indicated -- I'm going</p> <p>7 to stop you.</p> <p>8 You indicated that your investigation</p> <p>9 was complete before the Eckert Seamans --</p> <p>10 A. Yes.</p> <p>11 Q. -- report, correct?</p> <p>12 A. Yes.</p> <p>13 Q. Okay.</p> <p>14 And after your report, Jane Doe 3 and</p> <p>15 Jane Doe 4 were put up for termination, correct?</p> <p>16 A. Yes.</p> <p>17 Q. Was their first termination before the</p> <p>18 Eckert Seamans report?</p> <p>19 A. Yes.</p> <p>20 Q. So at that point, since they had already</p> <p>21 been put up for termination, Mr. Bender had</p> <p>22 already reviewed the -- your investigation?</p> <p>23 A. Yes.</p> <p>24 Q. Okay.</p>

<p style="text-align: right;">Page 710</p> <p>1 So the only thing that changed between</p> <p>2 the first recommendation for termination and</p> <p>3 this second one on March 7, 2022 was the Eckert</p> <p>4 Seamans report; is that correct?</p> <p>5 MS. PIPAK: I'm going to object to</p> <p>6 the form. You can answer if you're able.</p> <p>7 THE WITNESS: The Eckert Seamans</p> <p>8 report was received, and then there was also</p> <p>9 additional information requested from LexisNexis</p> <p>10 at the request of Mr. Bender and the</p> <p>11 commissioners.</p> <p>12 BY MS. SMITH:</p> <p>13 Q. What was the additional information that</p> <p>14 was requested?</p> <p>15 A. They requested a full search history of</p> <p>16 Jane Doe 3's account.</p> <p>17 Q. Okay.</p> <p>18 And did you conduct any review or</p> <p>19 investigation of that full report?</p> <p>20 A. I received the report from LexisNexis</p> <p>21 and distributed it, as I indicated, to the</p> <p>22 commissioners, the solicitor's office and Mr.</p> <p>23 Bender for their review.</p> <p>24 Q. And -- but you didn't look into any of</p>	<p style="text-align: right;">Page 712</p> <p>1 Q. And this meeting you were having was</p> <p>2 post the initial Eckert Seamans report?</p> <p>3 A. Yes.</p> <p>4 Q. And this was not a commissioner's</p> <p>5 meeting -- not a public commissioner's meeting,</p> <p>6 correct?</p> <p>7 A. No, it was a meeting with the</p> <p>8 commissioners regarding this investigation, this</p> <p>9 issue.</p> <p>10 Q. Was it then forwarded to legal counsel?</p> <p>11 MS. PIPAK: I'm going to object on</p> <p>12 basis of attorney/client privilege.</p> <p>13 BY MS. SMITH:</p> <p>14 Q. Well, Commissioner Hess at the public</p> <p>15 commissioner's meeting called for and independent</p> <p>16 investigation, did he not?</p> <p>17 A. At the meeting in 2021 he requested that</p> <p>18 an independent person review the investigation,</p> <p>19 and so that's why LexisNexis was contacted, yes.</p> <p>20 And then I believe when these pars were put in, he</p> <p>21 then explained that he wanted a full review and</p> <p>22 then an investigation conducted by an outside</p> <p>23 party.</p> <p>24 Q. Okay.</p>
<p style="text-align: right;">Page 711</p> <p>1 the individual searches?</p> <p>2 A. I -- I reviewed them as well, yes.</p> <p>3 Q. Did you compare them to Smart Term like</p> <p>4 you did the first one?</p> <p>5 A. Yes.</p> <p>6 Q. Okay.</p> <p>7 And did you prepare a report?</p> <p>8 A. I did not prepare an official report,</p> <p>9 no.</p> <p>10 Q. Did you speak with anyone regarding it?</p> <p>11 A. Yes, I did speak with Mr. Bender</p> <p>12 regarding the information, and I believe we also</p> <p>13 spoke to the commissioners as well.</p> <p>14 Q. All three commissioners?</p> <p>15 A. Yes. There was a meeting that was held.</p> <p>16 Q. And what was discussed?</p> <p>17 A. During that meeting, after we reviewed</p> <p>18 the information, it was then decided that we</p> <p>19 needed to forward this information to legal</p> <p>20 counsel for further review regarding the searches</p> <p>21 that were conducted.</p> <p>22 Q. Legal counsel being Eckert Seamans, or</p> <p>23 legal counsel being someone else?</p> <p>24 A. Eckert Seamans.</p>	<p style="text-align: right;">Page 713</p> <p>1 So in 2021 Jane Doe 3 and Jane Doe 4 are</p> <p>2 put up for termination before any Eckert Seamans</p> <p>3 report has been done, correct?</p> <p>4 A. Yes.</p> <p>5 Q. Eckert Seamans then has -- then at</p> <p>6 commissioner's meeting says I want a third party</p> <p>7 to conduct a report, correct?</p> <p>8 A. I don't recall his exact words, but as a</p> <p>9 result of what he requested my investigation was</p> <p>10 reviewed by Eckert Seamans.</p> <p>11 Q. Okay.</p> <p>12 Then there was another LexisNexis --</p> <p>13 more thorough, full report by LexisNexis</p> <p>14 requested and received by the county, correct?</p> <p>15 A. Yes.</p> <p>16 Q. Then there's a meeting with you, Mr.</p> <p>17 Bender and the three commissioners about that full</p> <p>18 report, correct?</p> <p>19 A. Yes.</p> <p>20 Q. The LexisNexis report, just so the</p> <p>21 record is clear.</p> <p>22 A. Yes.</p> <p>23 Q. Okay.</p> <p>24 At that meeting there is a suggestion</p>



<p>Page 714</p> <p>1 that a -- it needs -- that full LexisNexis  2 report needs to go to Eckert Seamans  3 correct?  4 A. Not for the purposes of review regarding  5 their employment. It was for a review regarding  6 the identity protections of the individuals who  7 were searched.  8 Q. And then after that meeting of you, Mr.  9 Bender and the commissioners, there is a public  10 commissioner's meeting at which time Commissioner  11 Hess calls for Eckert Seamans to conduct its own  12 independent report?  13 A. Yes.  14 Q. Okay.  15 As of your date of separation from the  16 county, that report had not been provided?  17 A. I'm not aware that that report was ever  18 provided --  19 Q. Okay.  20 And --  21 A. -- prior or my separation.  22 Q. Do you know why defendant -- do you  23 know, did Defendant Bender rely on the Eckert  24 Seamans report to recommend this on March, 2022</p>	<p>Page 716</p> <p>1 Q. Did Mr. Bender tell you he was relying  2 on the Eckert Seamans report for Jane Doe 3 and  3 Jane Doe 4's termination?  4 A. Not during that conversation, he did not  5 say those words.  6 Q. At any point did he?  7 A. I don't recall if that was -- I mean,  8 yes, we discussed the report, but those specific  9 words were not I'm solely relying on this to make  10 that determination for termination.  11 Q. It was discussed that partially the  12 Eckert Seamans report was being relied on by the  13 county to recognize Jane Doe 3 and Jane Doe 4's  14 termination?  15 MS. PIPAK: I'm going to -- if you  16 can answer without discussing any communications  17 with counsel, you can answer.  18 THE WITNESS: Well, I did have  19 discussions with counsel. We did have discussions  20 with counsel regarding that.  21 MS. PIPAK: Any communications that  22 you had not involving counsel, you can answer.  23 THE WITNESS: I think I addressed  24 that already, that we did -- you know, I was told</p>
<p>Page 715</p> <p>1 termination of Jane Doe 3 and Jane Doe 4?  2 MS. PIPAK: I'm going object to the  3 form. You can answer if you're able, and you're  4 not discussing communications with client -- with  5 counsel.  6 THE WITNESS: I'm not sure how to  7 answer that then.  8 BY MS. SMITH:  9 Q. Well, did you, Mr. Bender have a  10 conversation as to why he was putting Jane Doe 3  11 and Jane Doe 4 up for termination?  12 A. Yes.  13 Q. Was counsel present?  14 A. Counsel was part of the conversation,  15 yes, they were.  16 Q. Did you have any independent  17 conversations with Mr. Bender about it?  18 A. Only that when I was directed to send  19 the pars through.  20 Q. And did he tell you as to why you were  21 directed to put the pars through?  22 A. He just told me put the pars through.  23 So, it's time to put the pars through, so put the  24 pars through. So that's what I did.</p>	<p>Page 717</p> <p>1 put the pars through based upon the information  2 that we had.  3 BY MS. SMITH:  4 Q. Including the Eckert Seamans report?  5 A. Yes. That was some of the information  6 that we had, yes.  7 Q. Okay.  8 Ms. Zula, were you involved in the  9 referral of the -- of Jane Doe 3 and Jane Doe 4 to  10 law enforcement for purposes of criminal charges?  11 A. I was not directly involved that, no.  12 Q. You didn't call or refer them?  13 A. No. I was made aware. That was part of  14 some of the discussions that were had at the  15 commissioner's meet -- with the meting with  16 commissioners, but I did not prepare a letter. I  17 did not make that referral.  18 Q. Who -- at the commissioner's meeting  19 when conversations happened, who started the  20 conversation about it?  21 A. I don't recall.  22 Q. Did anyone say that it should happen,  23 that you recall?  24 A. Anyone say they -- what?</p>



<p style="text-align: right;">Page 718</p> <p>1 Q. That the referral should occur?</p> <p>2 A. I know there was discussion about that.</p> <p>3 I don't recall who started that discussion or how</p> <p>4 the discussion ended.</p> <p>5 Q. Did Defendant Bender participate in</p> <p>6 that?</p> <p>7 A. Yes.</p> <p>8 Q. Did he support the referral?</p> <p>9 A. I believe so.</p> <p>10 Q. Did Defendant Halcovage participate in</p> <p>11 that?</p> <p>12 A. I believe he was part of -- yes, he was</p> <p>13 part of the meeting.</p> <p>14 Q. Did he support the referral of Jane Doe</p> <p>15 3 and Jane Doe 4 to --</p> <p>16 A. I don't recall --</p> <p>17 Q. -- to law enforcement?</p> <p>18 A. Sorry.</p> <p>19 I don't recall if he had any comments.</p> <p>20 I don't recall.</p> <p>21 Q. Did Commissioner Hetherington support</p> <p>22 their referral?</p> <p>23 A. I believe he did. I believe he is</p> <p>24 actually the one who did prepare and sign the</p>	<p style="text-align: right;">Page 720</p> <p>1 Q. Would theft-related charges against an</p> <p>2 employee who worked in an office with access to</p> <p>3 information be an issue?</p> <p>4 MS. PIPAK: I'm going to object to</p> <p>5 the form. I'm not sure I understood that</p> <p>6 question.</p> <p>7 THE WITNESS: Yeah, I don't --</p> <p>8 BY MS. SMITH:</p> <p>9 Q. If an employee had a theft-related</p> <p>10 criminal charge, would that be an issue? Let's</p> <p>11 just start with that. Would that generally be an</p> <p>12 issue?</p> <p>13 A. It depends on the situation, the person,</p> <p>14 the position, the charge. It would be</p> <p>15 circumstantial. We would have to review all of</p> <p>16 that information.</p> <p>17 Q. If someone was convicted of theft, would</p> <p>18 that be an issue?</p> <p>19 A. Depending on the position, yes.</p> <p>20 Q. If it was a position in the tax</p> <p>21 assessment -- I'm sorry. Yes, tax assessment</p> <p>22 office?</p> <p>23 MS. PIPAK: I'm going to object to</p> <p>24 the form. You can answer if you're able.</p>
<p style="text-align: right;">Page 719</p> <p>1 letter that was submitted.</p> <p>2 Q. Did Commissioner Hess?</p> <p>3 A. I don't recall.</p> <p>4 Q. Okay.</p> <p>5 Do you know what criminal charge anyone</p> <p>6 believed that Jane Doe 3 and Jane Doe 4 committed?</p> <p>7 MS. PIPAK: I'm going to object to</p> <p>8 the form. You can answer.</p> <p>9 THE WITNESS: I believe there was</p> <p>10 some documen -- or some information that Mr.</p> <p>11 Bender had shared with myself, and may I believe</p> <p>12 Mr. Roth about some federal laws related to access</p> <p>13 to information. I don't know the specifics and I</p> <p>14 don't recall the specifics.</p> <p>15 BY MS. SMITH:</p> <p>16 Q. How did he share that -- Mr. Bender</p> <p>17 share that information with you?</p> <p>18 A. I believe he -- I believe it may have</p> <p>19 been via e-mail. I believe. I'm not certain. Or</p> <p>20 for a hard copy of information.</p> <p>21 Q. Okay.</p> <p>22 Do you know if it was like a</p> <p>23 theft-related charge?</p> <p>24 A. I don't recall.</p>	<p style="text-align: right;">Page 721</p> <p>1 THE WITNESS: I don't know. They</p> <p>2 don't necessarily deal with money. So I'm not</p> <p>3 certain if that would be a concern.</p> <p>4 BY MS. SMITH:</p> <p>5 Q. What about the tax claim office?</p> <p>6 MS. PIPAK: Same objection.</p> <p>7 THE WITNESS: Same response. I</p> <p>8 don't know if that would certainly be an issue,</p> <p>9 given that they don't have any access to funds. I</p> <p>10 don't think that would be -- potentially not</p> <p>11 something that we would be concerned about.</p> <p>12 BY MS. SMITH:</p> <p>13 Q. Do Tax Claim Bureau employees have</p> <p>14 access to non-public information?</p> <p>15 A. I guess it depends on the employee and</p> <p>16 what they have access to. Yes, Jane Doe 3 and</p> <p>17 Jane Doe 4 did have access to non-public</p> <p>18 information through their access of LexisNexis.</p> <p>19 Q. Do you any who Judith Evangelista is?</p> <p>20 A. Yes.</p> <p>21 Q. Did you -- were you involved in the</p> <p>22 hiring of Ms. Judith Evanglista in January of</p> <p>23 2022?</p> <p>24 A. Yes.</p>

<p style="text-align: right;">Page 722</p> <p>1 Q. She was hired in the tax claims office, 2 correct?</p> <p>3 A. Yes.</p> <p>4 Q. What position was she hired for?</p> <p>5 A. Clerk typist one.</p> <p>6 Q. When you hired Ms. Evangelista, did you 7 learn that she had been charged with theft, a 8 misdemeanor of the second degree?</p> <p>9 A. I don't believe I was aware of that.</p> <p>10 Q. Did you do a background on her?</p> <p>11 A. We did do -- we would have done -- well, 12 the administrative assistant in my office would 13 have done a search of the docket sheets.</p> <p>14 Q. You were still employed by the county on 15 February 18th, 2022, correct?</p> <p>16 A. Yes.</p> <p>17 Q. Are you aware that Ms. Evangelista pled 18 guilty, was sentenced to 12-months probation for 19 theft and misdemeanor of the second degree?</p> <p>20 A. No, I was not aware of that.</p> <p>21 Q. Would that be an issue that would -- if 22 Ms. Evangelista did not notify the county that she 23 had pled guilty to a theft charge, would that be 24 an issue?</p>	<p style="text-align: right;">Page 724</p> <p>1 Q. Regarding the theft?</p> <p>2 A. Yes.</p> <p>3 Q. What would it matter if she pled guilty 4 to theft?</p> <p>5 MS. PIPAK: Object to the form.</p> <p>6 THE WITNESS: I don't know what the 7 situation is. I would have to make a 8 determination based upon that information as to 9 whether or not there would be any impact on her 10 employment. As a clerk typist one she's not 11 dealing with any money, any funds, anything like 12 that. So I don't know if it would have any 13 impact, and I was not made aware of those charges.</p> <p>14 BY MS. SMITH:</p> <p>15 Q. Okay.</p> <p>16 Ms. Zula, at some point during your 17 employment, I think you talked at this briefly 18 earlier, there was an independent investigation 19 conducted by human resources, correct?</p> <p>20 A. Yes.</p> <p>21 Q. That was in May of 2021, correct?</p> <p>22 A. Yes.</p> <p>23 Q. Human resources is Ms. Kutzler's 24 employer, correct?</p>
<p style="text-align: right;">Page 723</p> <p>1 MS. PIPAK: I'm going to object to 2 the form. You can answer if you're able.</p> <p>3 THE WITNESS: Not necessarily. I 4 don't think we had a requirement of people to 5 notify when they -- if they were involved in any 6 criminal charges. I don't think that there is any 7 policy that said that that was the requirement.</p> <p>8 BY MS. SMITH:</p> <p>9 Q. So if you were still the HR director and 10 you learned that she had been charged with and 11 convicted of a theft while employed, you would 12 take no disciplinary action against her?</p> <p>13 MS. PIPAK: Objection to the form. 14 You can answer.</p> <p>15 THE WITNESS: I'm not certain. I 16 would need to have more details regarding the 17 situation. I'm not familiar with her situation at 18 all.</p> <p>19 BY MS. SMITH:</p> <p>20 Q. What about the situation would you need 21 to know?</p> <p>22 A. What the circumstances were. If -- 23 pretty much what the circumstances were and what 24 occurred.</p>	<p style="text-align: right;">Page 725</p> <p>1 A. Yes.</p> <p>2 Q. And at the time that human resources was 3 the third-party investigator, Ms. Kutzler was 4 already named as a respondent in the EEOC charge, 5 correct?</p> <p>6 A. I don't know. I'm not certain. I don't 7 know.</p> <p>8 Q. Well, do you recall Jane Doe 3 and Jane 9 Doe 4 objecting to human resources being the 10 independent investigator as they were the employer 11 of someone they named in a lawsuit --</p> <p>12 MS. PIPAK: Object --</p> <p>13 BY MS. SMITH:</p> <p>14 Q. -- or an EEOC charge?</p> <p>15 MS. PIPAK: Object to the form. 16 You can answer.</p> <p>17 THE WITNESS: I'm not certain if 18 they did. They may have. I don't know.</p> <p>19 BY MS. SMITH:</p> <p>20 Q. And, in fact, human resources conducted 21 an investigation, correct?</p> <p>22 A. Yes.</p> <p>23 Q. And they issued a report, correct?</p> <p>24 A. Yes.</p>

<p style="text-align: right;">Page 726</p> <p>1 Q. And in that report it was suggested that</p> <p>2 Jane Doe 3 and Jane Doe 4's written write-ups be</p> <p>3 converted to verbal warnings.</p> <p>4 Do you recall that?</p> <p>5 A. Yes, it was a suggestion.</p> <p>6 Q. And it was -- the suggestion was not</p> <p>7 followed, correct?</p> <p>8 A. Correct.</p> <p>9 Q. Who made the decision not to follow</p> <p>10 that?</p> <p>11 A. Mr. Bender indicated that the</p> <p>12 disciplinary action that was issued would stand as</p> <p>13 a written reprimand.</p> <p>14 Q. What was Mr. Bender's reason?</p> <p>15 A. I didn't ask.</p> <p>16 MS. SMITH: Let's take a quick</p> <p>17 break. I'm probably going to pass you over to the</p> <p>18 DOJ. So let's just go off the record for a</p> <p>19 minute.</p> <p>20 VIDEOGRAPHER: The time is now</p> <p>21 4:36 p.m. and we're going off the record.</p> <p>22 ---</p> <p>23 (Whereupon, brief recess was help off</p> <p>24 telephone record.)</p>	<p style="text-align: right;">Page 728</p> <p>1 were talking with Ms. Smith about the Eckert</p> <p>2 Seamans report.</p> <p>3 A. Yes.</p> <p>4 Q. And did you see the Eckert Seamans</p> <p>5 report?</p> <p>6 A. Yes, I believe I did see it. I don't</p> <p>7 know if I got -- I don't believe I got -- I'm not</p> <p>8 sure if I got a copy of it, but I did -- I did</p> <p>9 review it.</p> <p>10 Q. Okay.</p> <p>11 You reviewed it. And what did it say?</p> <p>12 MS. PIPAK: I'm going to object on</p> <p>13 the basis of attorney/client privilege.</p> <p>14 MS. FOX: Okay. Ms. Zula, can you</p> <p>15 leave the room for a moment?</p> <p>16 THE WITNESS: Sure.</p> <p>17 MS. FOX: We're going to go off the</p> <p>18 record.</p> <p>19 VIDEOGRAPHER: All right. The time</p> <p>20 is now 4:47 p.m. and we're going off the video</p> <p>21 record.</p> <p>22 MS. FOX: Okay. So, are you</p> <p>23 planning to put the Eckert Seamans report into</p> <p>24 evidence?</p>
<p style="text-align: right;">Page 727</p> <p>1 ---</p> <p>2 VIDEOGRAPHER: The time is now</p> <p>3 4:46 p.m. and we're back on the record.</p> <p>4 ---</p> <p>5 Examination</p> <p>6 ---</p> <p>7 BY MS. FOX:</p> <p>8 Q. Hi, Ms. Zula. My name is Amber Fox.</p> <p>9 I'm with the Department of Justice. We've met</p> <p>10 before, yesterday. And I just wanted to go over a</p> <p>11 couple of things. I know Ms. Smith has covered a</p> <p>12 lot of ground, so I'll just be doing kind of a</p> <p>13 little bit of jumping around. But first I just</p> <p>14 want to remind you you're under oath and do you</p> <p>15 understand what it means to be under oath?</p> <p>16 A. Yes.</p> <p>17 Q. Okay.</p> <p>18 You understand it's the same oath you</p> <p>19 would take in a courtroom?</p> <p>20 A. Yes.</p> <p>21 Q. And you understand you cannot lie when</p> <p>22 you're under oath?</p> <p>23 A. Yes.</p> <p>24 Q. So earlier, just a few minutes ago, you</p>	<p style="text-align: right;">Page 729</p> <p>1 MS. PIPAK: As of now I'm saying</p> <p>2 no. I just don't want to waive any position.</p> <p>3 MS. FOX: But you don't know for</p> <p>4 sure?</p> <p>5 MS. PIPAK: I don't know. I don't</p> <p>6 know.</p> <p>7 MS. FOX: Okay. So our position is</p> <p>8 that we are entitled to those reports, to the</p> <p>9 conversations around those reports, and I</p> <p>10 understand that you take the opposite position; is</p> <p>11 that right?</p> <p>12 MS. PIPAK: Yes.</p> <p>13 MS. FOX: Okay.</p> <p>14 So I think then that we need to</p> <p>15 brief this with the court because obviously our</p> <p>16 positions are different and we do believe that</p> <p>17 we're entitled to this, the Eckert Seamans</p> <p>18 investigation, Eckert Seamans report, the</p> <p>19 LexisNexis investigation, et cetera.</p> <p>20 MS. PIPAK: I understand your</p> <p>21 position as well.</p> <p>22 MS. FOX: Sure.</p> <p>23 MS. PIPAK: So, okay. And I think</p> <p>24 I don't want to waive attorney/client privilege</p>

<p>Page 730</p> <p>1 here today. I don't think anything we've done so 2 far has waived attorney/client privilege on this 3 issue.</p> <p>4 MS. FOX: I think we disagree, but 5 sure.</p> <p>6 MS. PIPAK: I think the record has 7 been clear that we have not waived attorney/client 8 privilege on anything Ms. Zula has testified to 9 here today.</p> <p>10 MS. FOX: Okay. We disagree. I 11 mean --</p> <p>12 MS. PIPAK: How do you think that 13 that's been waived?</p> <p>14 MR. TOWNSEND: With the Eckert 15 Seamans report?</p> <p>16 Go ahead, Amber.</p> <p>17 MS. FOX: No, I think that with the 18 Eckert Seamans report it's -- she has said that 19 they relied on it in making decisions, and so we 20 think that that's been -- that's been put at 21 issue.</p> <p>22 MS. PIPAK: I don't think she 23 testified that she relied on it. I think she 24 testified that other witnesses may have seen it.</p>	<p>Page 732</p> <p>1 to -- if the position of the case is going to be 2 she relied on attorneys in making her decision, 3 that you would be entitled to that. But not in 4 the waiver as in the cat is out of the bag.</p> <p>5 MS. FOX: I'm not necessarily -- I 6 think --</p> <p>7 MS. PIPAK: Are we correct on that?</p> <p>8 MS. FOX: We're talking over each 9 other. But I just think, for the record, that we 10 wanted to make clear that we think because she has 11 testified to that, she has opened the door to 12 those conversations. Unless all defense counsel 13 stipulate that will not be introduced into 14 evidence.</p> <p>15 MS. PIPAK: I don't think we're 16 going to stipulate to that today, and I don't 17 think --</p> <p>18 MS. FOX: Understood.</p> <p>19 MS. PIPAK: -- defense counsel is 20 going to.</p> <p>21 MS. FOX: Understood.</p> <p>22 MS. PIPAK: And the reason that I 23 let her answer those questions was because of 24 Catherine's position that a meeting or a</p>
<p>Page 731</p> <p>1 MS. FOX: Relied on it, too.</p> <p>2 MS. PIPAK: And that I think that 3 you can ask other witnesses about that. But as of 4 today I'm not going to let her answer --</p> <p>5 MS. FOX: That's okay. I 6 understand your position.</p> <p>7 MS. PIPAK: And if you think that 8 if it becomes an issue that additional discovery 9 is needed on the issue, we can revisit that.</p> <p>10 MS. FOX: Sure. Okay.</p> <p>11 I just want to also note for the 12 record that we take the same position as to Ms. 13 Zula has testified numerous times, especially 14 yesterday, that she consulted with Mr. Heinbach 15 regarding the work from home request and a few 16 different other things. So we do take the 17 position that those instances where she reference 18 discussions with counsel, that we're entitled to 19 know what those conversations were.</p> <p>20 MS. PIPAK: I think the difference 21 in what I'm saying is I don't think that she has 22 at any point said what those conversations were. 23 So a waiver in that sense where she gave up 24 something, I think your position is if she's going</p>	<p>Page 733</p> <p>1 conversation with counsel is not privileged. It's 2 what was --</p> <p>3 MS. FOX: I understand what you're 4 saying.</p> <p>5 MS. PIPAK: -- the -- what was 6 discussed during those conversations.</p> <p>7 MS. SMITH: Right. But I think 8 that Amber's point is that Ms. Zula yesterday 9 testified that meetings were held with counsel, 10 and after those meetings action was taken. So if 11 the action that was taken was done so in reliance 12 at all on the meetings with counsel, this is how I 13 think of it the easiest way. Since we're lawyers 14 we don't think about lawyer things, but we think 15 about regular things. If I file my taxes based 16 off an accountant telling me what to do and get 17 audited, I can go after my accountant. If Ms. 18 Zula is going to say she took her actions simply 19 because of that meeting with Mr. Heinbach, and 20 throw Mr. Heinbach under the bus essentially, we 21 get to know what those conversations were to know 22 if, in fact, it wasn't Mr. Heinbach's suggestion, 23 or if it was not his suggestion. So if Ms. Zula 24 is going to rely on -- and as she has testified,</p>



<p>Page 734</p> <p>1 there were meetings and an action. If Ms. Zula or 2 any of the defendants are going to rely on the 3 advice of counsel for -- to support the basis for 4 their decision, then we're entitled to those -- to 5 the information that was communicated. 6 MS. PIPAK: And I don't -- and if 7 this is the difference, I don't think that what -- 8 I think that she testified to there was a meeting 9 and all the actions she took, and I'm not 10 necessarily sure that the record reflects she 11 relied on counsel. I'm pretty sure she stuck to 12 her -- the reason for her decision and set forth 13 the facts for the reasons that she made the 14 decision, absent any communications with counsel. 15 And so I do think -- 16 MS. IPPOLITO: Here's the question, 17 right? I don't think -- I don't think we're going 18 to have a meeting of minds today. 19 MS. FOX: That's my point. 20 MS. IPPOLITO: Are you trying to 21 reserve the remainder of your time for Ms. Zula 22 until after the completion of your briefing. 23 MS. FOX: Our whole point was that 24 we're in disagreement. We just want that on the</p>	<p>Page 736</p> <p>1 should probably take a break. 2 MS. FOX: Yeah. 3 MR. TOWNSEND: The other thing 4 about if we -- I mean we take the position also 5 that if you're going to enter into evidence just 6 the mere fact that Ms. Zula spoke to counsel and 7 made a decision after speaking to counsel, if 8 you're going to introduce that evidence, it 9 implies that the lawyer blessed the decision, you 10 know so to speak, and we would then argue that 11 we're entitled to find out what -- that opens the 12 door basically to us finding out what the -- what 13 the lawyer said. So that's -- that's part of our 14 position, too. So it's not so we think if you are 15 not prepared to stipulate that you are not going 16 to introduce that evidence, we believe we'd be -- 17 we're entitled to question her about that. So I 18 just wanted to put that on the record, too. But 19 let's -- I think we should take a break and talk 20 about this -- 21 MS. PIPAK: I agree. I understand 22 that that's -- 23 MS. FOX: Suggestion for time. 24 MS. PIPAK: I understand that</p>
<p>Page 735</p> <p>1 record. We want it clear to the extent it can be, 2 and had been clarified, and will now be briefed. 3 MR. GEIGER: Well, would it make 4 sense then to delay the rest of your questioning 5 until the judge decides the issue? Because we're 6 going to bring her back anyway when we have our 7 turn. 8 MS. IPPOLITO: Yeah, we have about 9 an hour and 20 minutes. 10 MS. FOX: I don't think I need to 11 delay the rest of my questioning. I can proceed 12 on several other grounds, and we're going to have 13 some time remaining. 14 MR. GEIGER: Okay. 15 Because if you take up all your 16 time and then the judge says, well, you could have 17 asked about this information, then you're getting 18 over the 14 hours. 19 MS. PIPAK: And we would -- we 20 would not agree that she'd be entitled to more 21 hours absent a ruling from the judge on that 22 issue. 23 MR. TOWNSEND: I want to add one 24 more point to the privilege thing and then we</p>	<p>Page 737</p> <p>1 that's where you're coming from. 2 MR. TOWNSEND: Okay. 3 MS. SMITH: At this point this is 4 discovery depositions. We're just going to come 5 into trial what we're going to offer. 6 MR. TOWNSEND: Right. Okay. 7 MS. FOX: We just don't want to 8 lose the chance to ask about it if the judge says 9 we can. 10 - - - 11 (Whereupon, brief recess was held off 12 the record.) 13 - - - 14 VIDEOGRAPHER: The time is now 15 5:01 p.m. and we're back of record. 16 MS. FOX: Okay. 17 In light of conversation with 18 counsel, we have decided that we will reserve the 19 rest of our time to proceed with the deposition on 20 a later date after we have briefed the issue, or 21 we have further information about whether we can 22 question the witness on privilege, and we will 23 obviously coordinate that date with opposing 24 counsel, because as we understand counsel also</p>



Page 738

1 wants to question Ms. Zula.

2 MR. GEIGER: Would you do your  
3 portion by Zoom or back in person?

4 MS. FOX: I'm not sure. I think we  
5 could probably do it by Zoom, but we'll just  
6 figure it out at that time. It may also depend on  
7 what kind of ruling we get and what we want to do  
8 with that.

9 MR. GEIGER: Okay.

10 Can we agree on how much time we  
11 have left?

12 VIDEOGRAPHER: One hour and 24  
13 minutes.

14 MS. PIPAK: I think if we look at  
15 the case management order, there is a way to bring  
16 an issue before the court on the discovery --

17 MS. SMITH: We can go off the  
18 record.

19 MS. FOX: No further questions.

20 VIDEOGRAPHER: Going off the record  
21 at 5:02 p.m.

22 - - -

23 (Whereupon, deposition concluded at  
24 5:02 p.m.)

## C E R T I F I C A T I O N

I, COLEEN TRIFUN, RPR and Notary Public,  
do hereby certify that the foregoing is a true and  
accurate transcript of the stenographic notes taken  
by me in the aforementioned matter.

- - -

DATE: August 31, 2023 \_\_\_\_\_

COLEEN TRIFUN, RPR